



COMMUNITY INSTRUCTION	Pre-Sentence Report
COMMUNITY INSTRUCTION NO.	C24.1
SCOPE	Community Operations

STATEMENT OF PURPOSE

To provide instruction to Community Operations 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. If a CCO receives a report allocation and a victim/s has been identified, the CCO must email the ACTCS Victim Liaison Officer (VLO) at ACTCSVictimLiaisonOfficer@act.gov.au to seek victim input. This must occur within five (5) business days. The CCO must include the following details in the email:
 - a. offender's name
 - b. offender's date of birth (DOB)
 - c. PID
 - d. date the report is due for vetting.
- 1.5. On receiving the allocation, the CCO must also request 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 and outlining the following.
 - a. offender's name and DOB
 - b. purpose for requesting the 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. Gathering Information

- 2.1. It is the responsibility of the allocated CCO to review the offender information management system to determine if a further appointment is recorded. If no appointment has been scheduled, the CCO must 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 must email AVLAMCBookings@act.gov.au to arrange an Audio Visual Link (AVL) appointment or 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 must 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. The CCO must explain, in terms that are easily understood by the offender, the purpose of this consent, and provide examples of how and why the CCO may need to make contact with the parties nominated on the consent form. If the interview is being conducted via AVL, the CCO must either:
 - a. record the offender's verbal consent to obtain and release information in a case note on the offender information management system; or
 - b. have pre-arranged (with either the offender's AMC Case Manager (CM) or the area manager of their accommodation area) for the offender to be provided with this document for their signature. If the CCO is intending to obtain the offender's signature on the consent form, steps must be taken to facilitate this at the earliest possible occasion prior to the AVL interview taking place. This pre-planning allows for AMC staff to advise if they are able to assist, or for the CCO to make alternative arrangements in the event that assistance cannot be provided.
- 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. In accordance with 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.
- 2.8. 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 information 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. In accordance with 17B(2) of the *Victims of Crime Act 1994*, ACTCS must seek and consider the victim's concerns about the need for protection from violence or harassment by the offender. This information will be provided to the CCO by the VLO, and as per the *Victim Information for Reports and Assessments Community Instruction*. To avoid the inclusion of extensive or potentially identifying victim information in reports or assessments, the following wording must be used, choosing whichever is relevant:
- a. "This Service has had contact with the victim of the current offence(s) or their guardian.
They indicated they had continued concerns regarding their need for protection from violence or harassment from the offender."
 - b. "This Service has had contact with the victim of the current offence(s) or their guardian.
They indicated they did not have concerns regarding their need for protection from violence or harassment from the offender."
 - c. "No victim information was provided for the purpose of this report/assessment."
- 4.5. Further to 4.4, there may be instances where ACTCS must seek and consider the concerns of multiple victims, and not all victims provide consent for the inclusion of their input in the report. In these cases, the author of the report should consult with the VLO and their TL about how best to accurately reflect this in the report without divulging any identifying information. Suggested wording includes:
- a. "This Service considered the concerns of multiple victims and/or victims of relevant offences for the preparation of this report/assessment. It should be noted that there was variance among the responses of the victims in regard to their ongoing concerns about their need for protection from violence or harassment from the offender."
 - b. "This Service considered the concerns of multiple victims and/or victims of relevant offences for the preparation of this report/assessment. It should be noted that not all of the victims consulted wished to provide information for the purpose of this report/assessment."
- 4.6. A PSR must address each matter noted by the courts in the request for a report.
- 4.7. 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.

- 4.8. 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 to perform Community Service Work 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
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 must 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 must 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 information 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 information management system.
- 7.2. Reports for the Magistrates Court are sent to:
 - a. MCChamberAssociates@act.gov.au
 - b. ACTCSCommunityOperations@act.gov.au
- 7.3. Reports for the Supreme Court are sent to:
 - a. SCAssociates@act.gov.au
 - b. ACTCSCommunityOperations@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 the court it is the responsibility of the CCO or TL to close the task in the offender information 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 uploaded to the offender's file in the offender information management system.

RELATED DOCUMENTS

- Crimes (Sentencing) Act 2005
- Victims of Crime Act 1994
- Case Note Policy
- Victim Information for Reports and Assessments Community Instruction
- 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)

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