



COMMUNITY INSTRUCTION	Court Duty Report
COMMUNITY INSTRUCTION NO.	C24.3
SCOPE	Community Operations

PURPOSE

To provide instruction to Community Operations staff in relation to the preparation and completion of a Court Duty Report (CDR).

CDRs provide the courts with a shorter/less detailed version of a Pre-Sentence Report which can be completed on the day of sentencing or scheduled for a later date.

PROCEDURES

1. Registration and Allocation

- 1.1. Requests for CDRs will be made by the court and provided directly by the Bail Registry staff to the Court Duty Officers (CDO). Requests will also be sent via email to the Sentence Administration Section (SAS).
- 1.2. The SAS will enter the CDR task into the offender management system and allocate the task to a Team Leader (TL) in accordance with the *Business rules for registration and allocating a Court or SAB Report Community Instruction*.
- 1.3. A TL will allocate a CDR to a CDO at the 'Preparing' stage.
- 1.4. In some circumstances a CDR can be allocated to a Community Corrections Officer (CCO), e.g. where the CCO is already supervising the offender on a community based order.
- 1.5. In the context of an on-the-spot report (otherwise known as a 'standdown' report) the CDR may be completed prior to the registration of the task. In this case, the CDO will upload the information and case note the completion of the report after receiving the allocation.

2. Gathering Information

- 2.1. It is generally expected that the offender will report directly to the CDO after their court appearance. If this does not occur, the CDO must complete the *2.2.2 Direction-Request 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 CDO must email AVLAMCBookings@act.gov.au to arrange an Audio Visual Link (AVL).
- 2.3. If the CDO 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. If the offender is unable to confirm their details, other collateral checks will be made and in accordance with TL instruction.

- 2.4. When undertaking the CDR interview with the offender, the CDO 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 CDO must explain, in terms that are easily understood by the offender, the purpose of this consent, and provide examples of how and why the CDO may need to make contact with the parties nominated on the consent form. If the interview is being conducted via AVL, the CDO must either:
- record the offender's verbal consent to obtain and release information in a case note on the offender information management system; or
 - 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 the consent form for their signature. If the CDO 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 CDO to make alternative arrangements in the event that assistance cannot be provided.
- 2.5. The CDO 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.
- 2.6. As per section 17B (2) of the *Victims of Crime Act 1994*, Community Operations must seek and consider the victim's concerns about the need for protection from violence or harassment by the offender. If a CDO receives a report allocation and a victim/s has been identified, the CDO must email the ACTCS Victim Liaison Officer (VLO) at ACTCSVictimLiaisonOfficer@act.gov.au to seek victim input. This must occur within two (2) business days. The CDO must include the following details in the email:
- offender's name
 - offender's date of birth (DOB)
 - PID
 - date the report is due in Court.
- 2.7. In the context of a 'standdown' report, or for any CDR due at Court within three (3) weeks of the request being made, item 2.6 will be unable to be completed. In these instances, the CDO must include the following wording at the beginning of the CDR:
- "The urgent nature of this report request has precluded ACTCS from seeking victim input in relation to these matters."
- 2.8. When interviewing the offender, the CDO should be mindful of information required, both for the preparation of the CDR and for the scoring of the Level of Service Inventory-Revised: Screening Version (LSI-R:SV).

3. Verifying Information

- 3.1. A CDR and LSI-R:SV do not require verification of information and can be based solely on information provided by the offender. However, attempts to verify information must occur

wherever possible, e.g. if the offender attends with family members or the author has access to service records.

- 3.2. All sources of information must be noted within the CDR.
- 3.3. If information is confirmed via telephone, the CDO 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.

4. Drafting the Report

- 4.1. When drafting the CDR, the CDO will generate the 1.1.3 Court Duty Report - 2 Jul19 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. 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 factors (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
 - 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. any factor 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*.
- 4.3. A CDR must address each matter noted by the courts in the request for a report. The CDO 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.
- 4.4. Where victim input is being sought for inclusion in a CDR, the ACTCS VLO will liaise with the victim(s) as per the *Victim Information for Reports and Assessments Community Instruction*. To avoid the inclusion of extensive or potentially identifying victim information in the CDR, the ACTCS VLO will advise the CDO to use the most relevant and appropriate wording, as follows:
- 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. As the authors of CDRs can be subject to cross-examination, the author must clearly state 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 CDO 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. If the CDO has any concerns regarding the suitability assessment they will consult with their TL or the Community Service Work Coordinator.

6. Vetting

- 6.1. All CDRs must be vetted by the relevant TL until the CDO has demonstrated competence to provide reports independent of TL review. Competency will be determined via the initial vetting of CDRs and documented by the TL.
- 6.2. TLs will undertake routine review/audit of CDRs completed by CDOs after initial competency has been demonstrated to ensure consistency and quality of reports.
- 6.3. CDRs completed by anyone other than the CDO should be vetted by the author's TL prior to being submitted to the requesting Court.

7. Providing the CDR to the Court

- 7.1. Once the CDR has been signed it must be scanned and sent via e-mail to the court. The scanned copy must also be uploaded into the offender information management system.
- 7.2. If requested by the court, it may be suitable to hand the signed report directly to the associate, should this occur the CDO must scan and upload a copy into the offender information management system prior to handover.
- 7.3. Reports for the Magistrates Court are sent to:
 - a. MCChamberAssociates@act.gov.au
 - b. ACTCScourtdutyofficer@act.gov.au:
- 7.4. Reports for the Supreme Court are sent to:
 - a. SCAssociates@act.gov.au
 - b. ACTCScourtdutyofficer@act.gov.au
- 7.5. The CDO must case note that the completed report has been sent to the requesting court.

7.6. After the report has been sent to court, it is the responsibility of the CDO 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 must be backdated.

8. Record keeping

- 8.1. Once the CDR has been submitted to the requesting court, the CDO must upload the criminal history and Police Statement of Facts (SOF) to the offender information management system if this documentation was provided by the requesting court. The CDO must also upload the LSIR:SV, *Offender Intake Data* form and any other relevant documentation.
- 8.2. The courts will provide all files that require follow up by ACT Corrective Services to an allocated area in the Court Registry Unit. The CDO or Administration officer must review these files and upload all relevant documentation to the offender information management system, including but not limited to criminal histories, SOF, support letters, employment verification letters and medical documentation.
- 8.3. After obtaining the relevant documentation from a file, the CDO or Administration officer must then move the file to an allocated space for court staff to process.

RELATED DOCUMENTS

- Crimes (Sentencing) Act 2005
- Victims of Crime Act 1994
- Case Note Policy
- Business rules for registration and allocating a Court or SAB Report Community Instruction
- 2.2.2 Direction-Request 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
- Victim Contact Form
- 1.1.3 Court Duty Report - 2 Jul19
- Level of Service Inventory-Revised: Screening Version

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Document details

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