

2 PRE-SENTENCE ASSESSMENT AND REPORTING

2.1 INTRODUCTION

Community Corrections prepares pre sentence reports (PSRs) in order to assist Judges and Magistrates to select the most appropriate sentence for offenders who have pleaded guilty to, or have been found guilty of, an offence.

Reports are prepared either when requested by a Judge or Magistrate or, in some cases, where an offender is already subject to the supervision of the Service and is to appear for sentence on another matter. Reports are not prepared at the request of either defence or prosecution legal representatives or at the request of an offender.

Judicial officers are encouraged, when requesting reports, to specify whether the report is requested for a particular purpose or whether they require particular areas addressed. Even if a full report is requested, in order to best utilise limited resources the Service may determine the level of background investigation appropriate to each case. However, in cases where a full pre-sentence report has been requested for an offence against a person under the age of 18 years, the report must not be downgraded to a quick report.

This determination will be based on factors such as the seriousness of the offence, the extent of prior offending, the jurisdiction of the sentencing court and the complexity of the offender's circumstances.

A full PSR should be a reasonably detailed report that addresses issues of significance and relevance to an offender's background, offending and sentencing.

It should only be prepared after fresh contact with an offender and, depending on the level of investigation assessed as appropriate, may involve a number of interviews with the offender and significant family or social contacts.

2.2 ORDERING OF PRE SENTENCE REPORTS

2.2.1 Agreement

An agreement regarding the ordering and delivery of PSRs was reached in 1998 between the Community Offender Services, Probation and Parole Service and the Attorney General's Department. This followed a survey of sentencers (Judicial Views About Pre-Sentence Reports, Monograph No 12, June 1995, Judicial Commission of NSW) and other stakeholders in a review of the Service's Court Advice Program.

2.2.2 Court responsibilities in the ordering of reports

a. A stamp has been developed for optional use by Judges and Magistrates across all jurisdictions. This stamp sets out the most common types of reports ordered and the recommended minimum adjournment periods necessary to effect pre-delivery of a report of that type. It is intended that the stamp will assist in making clearer to the Service the type of report required by the court.

b. The recommended minimum periods for the various reports are:

Community Service Order: 3 weeks

PSR Summary & Options: 3 weeks

PSR Specific Purpose: 3 weeks

PSR Background & Options: 5 weeks

S.51A PSR Background & Options: 4 weeks

The recommended adjournment periods reflect the differing amounts of investigation required for each report type except in respect of Section 51A reports (reports ordered by a Local Court upon committal to a District Court for sentencing), which reflect a previous District Court time standard agreement. See **2.5.1**.

c. Court staff preparing Orders for Reports should transfer the information from the stamp and/or the court papers directly to a standard form that has been developed for the ordering of PSRs by the court.

d. Where possible, court staff should be encouraged to check the offender's current address, as it may differ from the address on the court papers.

e. Court staff should also give offenders a pamphlet, designed by Community Corrections, listing nearby Service addresses and telephone numbers. Local Community Corrections Offices are responsible for maintaining supplies of these pamphlets to the Courts in their area.

2.2.3 Transmission of the order for report form

a. All Court Registries and offices will transmit the completed Order for Report, by email, to their nearest Community Corrections Office by close of business on the day the order is made by the Judge/Magistrate.

b. The local Community Corrections Offices will act as clearing houses for report orders. They will be responsible for ensuring appropriate computer record checks are carried out and then forwarding orders to the relevant Community Corrections Office within twenty-four hours.

2.2.4 Pre sentence report preparation for remand prisoners

The following determines which Community Corrections Office exercises responsibility for the preparation of PSRs where the offender is in custody.

a. A “new” offender for the purposes of a PSR is:

- Person not previously known to the Service; or
- A person who is a past offender previously supervised by the Service but who has not had “recent and significant” contact with the Service. “Recent and significant” contact is defined as an offender having had an Order managed by the Service that was discharged less than (or within) six months prior to the date on which the PSR was requested.

b. City Community Corrections Office will prepare PSRs on “new” offenders who are imprisoned/remanded at the **Long Bay complex**, irrespective of the offender's residential address.

c. Silverwater Parole Unit will prepare PSRs on “new” offenders who are imprisoned/remanded at the **Silverwater complex**, irrespective of the offender's residential address.

d. Blacktown Community Corrections Office will prepare PSRs on “new” offenders who are imprisoned/remanded at **Parklea**, irrespective of the offender's residential address.

e. Locations such as Bathurst, Goulburn etc., which house remand prisoners will prepare PSRs on “new” offenders.

f. Reports on offenders on remand, who have had “recent and significant” contact with the Service, will be prepared by the current supervising office.

g. The Community Corrections Managers of the more remote metropolitan offices (e.g. Gosford, Wollongong, Penrith, Campbelltown) will need to determine whether staff should travel to the remand facility to interview offenders, as opposed to utilising the resources at the respective Parole Unit to interview the offender. Decisions should be made in cooperation with the respective Parole Unit Manager.

2.3 PREPARATION OF PRE SENTENCE REPORTS

2.3.1 Preparation of pre sentence reports process

a. All reports, regardless of type, must be in writing.

b. LSI-R assessment is to be administered on all offenders requiring a full Pre-Sentence Report. The administration of the LSI-R, identified criminogenic factors and risk assessment should be reported in the Pre-Sentence Report.

c. Ensure that the PSR is registered on OIMS and that a PSR template has been generated. Court ordered reports are registered on OIMS as “requests”. Court Duty Officer reports are usually registered after sentencing.

d. Obtain existing Service files.

e. Obtain the depositions (court documents), in order to determine the nature and seriousness of the offence and criminal history. See **2.6.15**.

f. Interview the offender.

g. Refer to *Section A, Part 1.12.4: Privacy notices* regarding the requirement for a Privacy Notice to be issued to all offenders who come into contact with CSNSW.

h. Record the offender's details on the Personal Data Form PSF9.

i. Interview any significant people in the offender's life who may be relevant to the current report; for example, the offender's spouse, parents, employers, siblings, teachers, associates, medical practitioners.

j. Enter the information on OIMS, summarising the interviews conducted. If case notes are made instead of using OIMS, make sure they are legible or, preferably, typed before submitting the report to the senior officer vetting the report.

k. Where possible and appropriate, speak to the arresting police to obtain any relevant information. In the absence of a criminal record it is particularly important to contact the police. See **2.6.12**.

l. Specific information can also be requested from Joint Investigation Response Teams (JIRTs) via the NSW Police Force for offenders convicted of child related offences. See **2.6.12**.

m. Interview the offender a second and, possibly, a third time, preferably in their home environment, to clarify any inconsistencies and to answer any questions that may have arisen since the first interview.

n. Complete the report, on the previously generated template, using font size 12. See **2.4** for format and content.

- o. Give the completed report to the supervising officer for vetting. See **2.6.6**.
- p. Sign and date the completed report and include your Community Corrections Office location.
- q. Send the original and two copies of the report to the court and place a copy on the offender's file.
- r. See **2.6.21**. for pre-delivery time frames.

2.3.2 Reference to other offences in pre-sentence reports

Reports must not refer to any information regarding allegations or unproved offences. Where an offender's remand status for other matters is relevant to the assessment of suitability for community based sentencing options, the report must refer only to the offender's remand status and the jurisdiction of the court that has remanded the offender.

If serious offences, unrelated to matters in the current PSR, come to notice during the preparation of the report, the officer is required to report these offences to the police.

An offender's admitted history of drug use may be referred to in the context of factors contributing to the offending or when addressing sentencing options.

2.3.3 Recommendations and pre-sentence reports

If an offender is considered unsuitable for a particular sentencing option, including a program component of a Community Service Order, the reasons for this must be stated in the PSR. Legislative requirements and suitability criteria for Community Service Orders are referred to in the relevant sections of this manual.

If an offender is suitable for a sentencing option but the option is not available, this must be stated in the PSR. The PSR template includes the specific wording to be used.

Officers should not include a recommendation as to a particular sentencing option in a PSR. However, in discussing the non-custodial sentencing options, officers may indicate in the summary section of their report the possible benefits of a particular intervention.

There should be no direct reference in a report to the types of bonds available to the court, for example, Section 9, 10, or 12.

Where it appears that a custodial sentence may be imposed, aspects of the offending behaviour that could be addressed in specific custodial programs may be discussed. It would also be appropriate to indicate whether supervision after release, including specific programs, is warranted.

Refer to *Section B, 1.7 Community Service Order (CSO) work or program assessment*

Refer to *Section B, 1.4: Full pre-sentence report and 1.5: Other pre-sentence reports.*

2.4 FULL PRE-SENTENCE REPORTS

Full pre-sentence reports are prepared using the OIMS generated *Full pre-sentence report* template (PSRFULL).

2.4.1 Identifying details

This table includes the offender's name, date of birth and MIN; court location and court date; and list of offences. Any identical offences must be grouped together, eg. 'Drive Whilst Disqualified x 3'.

2.4.2 Sources of information

The *Sources of information* list must contain all sources from which information was collected during preparation of the report. Items on the list may be deleted or added to as necessary.

Persons other than the offender must be described by their position, role or relationship to the offender rather than by name.

Internal case discussions within Community Corrections are not to be listed.

2.4.3 Prior management by Community Corrections

The *Prior management by Community Corrections* section summarises the offender's prior contact with Community Corrections including:

- order types;
- case plan objectives;
- interventions;
- progress/compliance; and
- breach action.

This section must not contain a detailed history of the offender's court appearances. Additionally:

- Reference may be made to previous assessment reports prepared by Community Corrections if relevant.
- Information held regarding supervision of the offender by other jurisdictions may be included if relevant.
- Custodial information may be included if the offender is currently in custody or if significant to the report (ie. completion of a treatment program).

2.4.4 Family/social circumstances

The *Family/social circumstances* section outlines the offender's current family/social circumstances. Information regarding family of origin or historical relationships is only to be included if relevant to the current offending, criminogenic needs or sentencing options.

2.4.5 Education and employment

The *Education and employment* section outlines the offender's current education/training and employment. Information regarding educational history, past employment or employment patterns is only to be included if relevant to the current offending, criminogenic needs or sentencing options.

2.4.6 Factors related to offending

The *Factors related to offending* section contains a number standard subsections. The subsections that are not applicable are to be deleted, with the exception of *Attitude to offending* which is mandatory and must be addressed in every report (see below). Additional subsections may be added as necessary.

The standard sub-sections are:

- Substance use;
- Mental health;
- Financial;
- Gambling;
- Driving;
- Violence;
- Sex offending; and

- Attitude to offending.

2.4.6.1 Attitude to offending

The *Attitude to offending* sub-section is mandatory and must be addressed in every report. This subsection should provide a summary of the offender's attitudes and beliefs that may contribute to or impede the offender addressing their current offending behaviour (whether via a period of supervision by Community Corrections or otherwise), including:

- perception of the offending;
- factors contributing to the offending;
- relevant pro social or pro criminal thinking; and
- willingness to address the offending behaviour.

Discussion in the report regarding the offender's attitudes must have been substantiated through interviews with the offender or other appropriate evidence (eg. enquiries with family, employer, etc). Officers must avoid making inferences regarding attitudes which are not substantiated, in particular when the offender is unwilling to discuss the offence.

The report should not provide an account of the offender's version of the facts of the offence or the officer's analysis of the facts of the offence.

Information obtained during interview from the offender in relation to the following questions will assist in preparing the *Attitude to offences* sub-section:

- Can the offender explain what happened?
- Is the offender's explanation consistent with the police facts?
- Does the offender deny the offence?
- Can the offender explain why the offence happened?
- Does the offender have an awareness of factors contributing to offence?
- Is the offender aware of the consequences of the offending to themselves and others?
- Does the offender accept responsibility, or justify, minimise or blame others?
- How does the offender currently view the offence?
- Has there been a change in the offender's attitude and thinking since the offence was committed?
- Does the offender think anything needs to change?
- Is the offender aware of any continuing risks or influences?
- Does the offender have a desire to change / prevent further offences?
- Has the offender done anything to prevent re-offending?
- Has the offender taken any action to address the offending behaviour?
- Is the offender willing to change?
- Has the offender been co-operative or resistant?
- Is the offender supportive of crime?

Offender unwilling to discuss offence/account is inconsistent with police facts

If the offender:

- is unwilling discuss the offence;
- denies the offence; or
- provides a version of the offence which is significantly different from the police facts,

the report should note that either the offender did not wish to discuss the offence or the offender's account of the offence was inconsistent with the police facts.

In these cases it may still be possible to explore the offender's attitude towards addressing their offending behaviour. An offender's resistance to engage in supervision and/or interventions does not preclude them from being assessed as suitable for supervision. This

should be considered as a factor to be addressed by supervision if it is otherwise considered the offender would benefit from a period of supervision (eg. a low risk offender may be resistant to intervention but not require it).

Remorse/contrition

An offender's expression of remorse or contrition for an offence may be reflected in the report. Before doing so, the assessing officer should explore with the offender the reasons for any such statement and whether this relates to a desire to change.

2.4.7 Risk level and criminogenic needs

The offender's current approved LSI-R level (Low, Medium or High) must be indicated.

The *Criminogenic needs severity* table of the *Assessment and Scoring Guide for the LSI-R* (page 9) is to be used to identify the criminogenic needs. Generally, those criminogenic needs that fall into the 'Considerable need for improvement' and 'Some need for improvement' columns should be listed. Those that fall into the 'No immediate need for improvement' or 'Strength' columns should be deleted.

Text is not required in this section as the identified criminogenic needs will have been addressed in the preceding sections of the report.

2.4.8 Issues related to community based sentencing

The *Issues related to community based sentencing* section must address any factors that are not relevant to the offender's offending but may impact on their ability to undertake community based sentencing options.

The entire section is to be deleted if there are no sub-sections required. The sub-sections that are not applicable are to be deleted and additional sub-sections may be added if necessary.

The standard sub-headings are:

- Physical health;
- Mental health;
- Employment;
- Family commitments;
- Access to community service work; and
- Access to programs and services.

2.4.9 Assessment and community based sentencing options

The *Assessment, Supervision by Community Corrections*, and either the *Community service order assessment – suitable* or the *Community service order – unsuitable* sub-sections must be included in every report.

2.4.9.1 Assessment

The *Assessment* section provides an analysis of the key information in the report as relevant to assessing the offender for community based sentencing options.

2.4.9.2 Suitability for supervision

If it is considered the offender would benefit from a period of supervision by Community Corrections, the case management strategies that would be implemented are to be outlined. The strategies are to be generic (eg. 'referral to alcohol and other drug counselling' not 'referral to Blacktown Community Health Centre for alcohol and other drug counselling').

If the offender is considered unlikely to benefit from a period of supervision, the reasons must be detailed. Offenders who fall into the Low and Low-Medium risk categories will not generally require supervision. Note any referrals made (or recommendations to the offender regarding referrals) during the assessment period.

2.4.9.3 Community service order assessment – suitable and Community service order assessment – unsuitable

Suitable

If the offender is assessed as suitable for a community service order, a reporting instruction must be inserted.

If the offender is suitable for the work component of a community service order, their suitability for developmental programs must also be assessed. If the offender is eligible and suitable for developmental programs, the proposed programs and number of hours required must be detailed.

If the offender is considered unlikely to benefit from available developmental programs, the reasons must be detailed. It should be noted if this is because there are no appropriate programs available at the location or the offender is ineligible for the available programs.

Unsuitable

If the offender is assessed as unsuitable for a community service order, the reasons for unsuitability must be detailed. If the offender is unsuitable because community service work has not been able to be found, all efforts made to find work for the offender must be included in the report.

2.5 OTHER PRE-SENTENCE REPORTS

2.5.1 Full pre-sentence reports upon committal from Local Court to District Court (PSRFULL)

If a Local Court accepts a plea of guilty in committal proceedings, it must commit the offender to a District Court for sentence. Upon committing the offender, the Local Court may request that a pre-sentence report is prepared for the District Court (commonly known as a “S51A PSR”, with reference to the repealed *Justices Act 1900*).

These reports are prepared using the *Full pre-sentence report* template and are subject to a 4 rather than 5 week adjournment period. They must be prepared if requested by a Local Court.

2.5.2 Pre-sentence report – Update assessment (PSRUPD)

This report is only to be used to update a previous pre-sentence assessment in relation to the same matters. Any significant changes that have occurred since the last report and/or any specific information requested by the court must be included.

The *Assessment* section is to provide an updated assessment that analyses both the assessment provided in the previous report and the updated information in the current report, as relevant to assessing the offender’s suitability for community based sentencing options.

2.5.3 Pre-sentence report – Sentencing options assessment (PSRSOA)

This is a condensed report that focuses on the offender’s current circumstances and information relevant to assessing the offender for community based sentencing options (ie. the *Factors related to offending* and *Issues related to community based sentencing options* sections).

The report is to be used when:

- specifically requested by a court;
- a ‘quick’ report is requested by a court; or
- it is determined by Community Corrections that a requested *Full pre-sentence report* will not be provided.

2.5.4 Pre-sentence report – Community service order assessment (PSRCSO)

This report is to be used when the report request indicates that only a CSO assessment is required. No information other than the CSO assessment is to be provided.

2.5.5 Pre-sentence report – Specific purpose assessment (PSRSPEC)

This report is to be used when the report request indicates that only information regarding a specific issue is required (eg. residential rehabilitation, attendance at a service provider, accommodation, etc).

The *Community based sentencing options* section can be deleted if the report request indicates it is not required.

2.5.6 Pre-sentence report – Court duty officer assessment (PSRCDO)

This report is to be used for Court Duty Officer assessments. See *Section B, Part 1.6.23: Court Duty Officers* for further information.

2.5.7 Pre-sentence report – Bail supervision assessment (PSRBSO)

The report is to be used following a period of bail supervision, that is, a period of post conviction/pre-sentence supervision that is longer than the usual 5 week pre-sentence assessment period. The report is to be provided for every such period of bail supervision, whether or not the court has specifically requested a pre-sentence assessment in addition to the bail supervision.

The report is a condensed version of the *Full pre-sentence report* that focuses on the offender's current circumstances, performance during the period of bail supervision and information relevant to assessing the offender for community based sentencing options.

2.6 PRE SENTENCE REPORTS - SPECIFIC ISSUES AND REQUIREMENTS

2.6.1 Offenders under 18 years of age

All PSRs on people who were under 18 years of age when the offence was committed, and who were under 21 years old when charged before a court, should comply with the procedures outlined in Juvenile Justice assessments. Refer to *Section D, Part 7.2*.

2.6.2 Verification

- a. The court is entitled to full and accurate information on the offender, as long as it is relevant to the matters before the court.
- b. PSRs are, by their very nature, hearsay evidence, in that they are a compilation of information from various sources and an assessment based on that information. Material drawn from case histories and enquiries made for previous reports should be identified as such.
- c. Factual information must be either verified or identified as unverified.

2.6.3 Language

- a. Reports should use language that is culturally sensitive and not emotive.

- b. Reports must be objective. Where an expression of the author's opinion is included, the material on which that opinion is based should be outlined.
- c. Language in reports must not be moralistic or sentimental and reports should not read either as a plea for leniency or present the case for the prosecution.
- d. Reports should be written in the third person as they are tendered by *the Service*. For example; "the offender has been assessed" rather than "I have assessed the offender".
- e. Officers should avoid:
 - Truisms, such as "if she continues to offend, she will increase the likelihood of imprisonment".
 - Colloquialisms, such as "druggie".
 - Abbreviations such as "he can't" instead of "he cannot".
 - Technical or specialist terminology. Reports are intended to convey clear information which can quickly be grasped by the sentencer, and, if need be, by successive supervising officers. Except under special circumstances (see the FOI and Subpoena sections in Section A) the offender and his or her legal representative also have the right to read the report and should be able to understand it.
 - Giving the impression that they have expertise in an area where they have no formal qualifications.
 - Giving information that is outside their role as a Community Corrections Officer.

2.6.4 Acknowledgment of limitations

- a. Where no independent enquiries of a person other than the offender are possible, officers must clearly state this in the report.
- b. Reports must state clearly which information has been verified and which has not.
- c. The officer should introduce unconfirmed information with a comment such as; "The offender has stated/claimed ...".

2.6.5 Case notes

- a. The officer's case notes used in the preparation of reports should provide:
 - Supporting material for the assessments and statements contained in the report,
 - A guide for the future case management of the offender, if placed under supervision,
 - An indication of the extent of the officer's enquiries.
- b. If required to be present at court, the officer should take the case history to the court with them. No case notes should be attached to the PSR.

2.6.6 Vetting reports

- a. All reports must be vetted by a supervising senior officer unless other arrangements have been approved. When a senior officer is not available, officers should get a colleague's opinion on their report.
- b. Officers are expected to have the report ready for vetting at least three working days before the sentence date.
- c. The vetting checklist should be referred to for vetting standards.
- d. If there is disagreement in regard to the content of a report, this must be resolved before the report is finalised; if necessary with the intervention of the Community Corrections Manager or Community Corrections Director.

2.6.7 Face-to-face meetings

- a. An officer should make enquiries face to face with the offender for the purpose of the report. Information obtained in this manner will usually be more reliable and comprehensive than information obtained by telephone as it allows, for example, the observation of body language.
- b. If large distances are involved, officers may need to ask a colleague in another office to make enquiries or interview a significant person as part of their PSR. The second officer should prepare case notes and forward them to the requesting officer, as well as providing the information verbally.

2.6.8 Existing offenders who re-offend

- a. Where an offender, who is currently under the supervision of the Service, has been convicted of a new offence and a PSR request has not been received from the court, a short "up-date" report can be prepared if time and resources permit.
- b. If there is a Court Duty Officer available and time and resources permit, information can be given to that officer so that they can prepare a short "update" report. This may result in the court sentencing the offender on that day rather than adjourning the matter for a full PSR.
- c. If offenders or their legal representatives request that a PSR be prepared, officers should advise them to put their request directly to the court.

2.6.9 Outstanding court matters

Officers should not refer in their reports to outstanding matters or any charges against the offender, which are unproven. If an officer believes that the court should be aware of pending matters, that officer should inform the prosecution of these matters.

2.6.10 Offender's refusal to cooperate

If the offender refuses to co-operate with an officer's enquiries, and it is not possible to complete the assessment, the officer should submit a brief report to the court stating that the Service is unable to complete its assessment because the offender refuses to co-operate and, as a consequence, effective supervision would be unlikely. Include any reason given by the offender for their non-cooperation.

2.6.11 Appeal issues and pre-empting outcomes

- a. When an offender enquires as to what sort of sentence they can expect, officers should not attempt to make a prediction.

b. After the sentence is handed down, the officer can advise the offender on how best to cope with the sentence so as to avoid further conflict with the law. Officers should not discuss with the offender whether or not to appeal against the decision although they may advise offenders of their right to appeal and refer them to their legal representative.

2.6.12 Enquiries of police

a. It is recommended that officers preparing PSRs discuss the case with the police officer in charge of the case. Police often have information which is highly relevant but which is not contained in the court depositions.

b. Occasionally, police officers will provide additional information on the offender based on their prior knowledge of that person. Officers should note this information but avoid including it in their report as the court could consider such evidence inadmissible.

c. To assist in the preparation of PSRs for offenders convicted of child related offences, information can also be requested from JIRTs via the NSW Police Force. Community Corrections Officers must complete the annexure *Request to NSW Police Force (JIRT) for information exchange* and fax it to the Commander, Joint Investigation Response Squad, State Crime Command on 02 8835 8699.

Information that can be requested includes details of victims, agreed facts, child protection reports, current AVOs and information regarding family dynamics where relevant.

2.6.13 Interpreters

a. For offenders who have difficulty understanding English, interpreters must be used. This will ensure that information obtained from offenders and their families is accurate and also ensures that offenders fully understand all sentencing options.

b. Friends and members of offender's families should only be used for superficial communication such as organising interviews. Qualified interpreters must be used for obtaining details for pre sentence reports.

c. Telephone and on-site interpreters are available from the Department of Immigration and Multicultural Affairs - Translation and Interpreting Services.

d. The following are some basic guidelines for the use of interpreters:

- The officer, not the interpreter, must be in control of the interview at all times.
- It is the role of the interpreter to repeat exactly what the officer and the offender say to each other. The interpreter is a "tool" only and must not add, subtract or comment.
- Throughout the interview the officer must speak directly to the offender.
- The offender should discuss their expectations of the interpreter's behaviour with both the interpreter and the offender before the interview starts.

Related section

- See also *Section A, Part 3.8: Language services*

2.6.14 Victims

Officers should only attempt to interview a victim of an offence if the court directs such enquiries, or, if appropriate, in situations where the victim was well known to the offender; for example, a spouse, partner, family member, employer, long term friend or acquaintance.

2.6.15 Depositions/antecedents

- a. The officer responsible for the report must ensure that a copy of the depositions (i.e. court documents) is available before the report is prepared.
- b. The offender's criminal record (antecedents) is not always available at the Local Court as the police may not tender it until the day the offender is sentenced. When this happens, the officer should obtain the information from the police officer in charge of the case or the police prosecutor.

2.6.15.1 Local Courts

Photocopies of the following court papers will be made available for collection by officers of this Service within two working days of a PSR order being made. Each Community Corrections Office will have their own arrangements for collection.

- Charge/Bench sheets
- Facts, or (where no facts available), Statements
- Criminal history
- All professional reports
- All Conditional Bail Undertaking notices

2.6.15.1.1 Central & Waverly Local Courts

Depositions on PSR matters are provided to City Community Corrections Office from either Central or Waverly Court Registries and are forwarded onto the relevant location.

Please forward a request to the Depositions Clerk, City Community Corrections Office (**Fax No. 02 9264 2576**) for depositions on *finalised* matters from either Central or Waverly Local Courts.

2.6.15.2 District Courts

District Court Criminal Registries, other than Sydney, will forward complete copies of depositions to their nearest Community Corrections Office for distribution to the relevant location.

2.6.15.3 Sydney District Court Criminal Registry

2.6.15.3.1 PSR related Depositions Sydney District Court

Most files are now being supplied on CD by the District Court Registry to the Depositions Clerk from City Community Corrections Office and distributed to the relevant Community Corrections Office or Parole Unit.

If the depositions have not arrived 4 weeks prior to the sentence date, fax a request to the Depositions Clerk, City Community Corrections Office marked 'URGENT' to Fax No. 02 9264 2576.

2.6.15.3.2 PSR related Depositions Downing Centre Local Court

These are copied by the Local Court Registry then collected and distributed by the Depositions Clerk from City Community Corrections Office.

If the depositions have not arrived, fax a request to the Depositions Clerk, City Community Corrections Office, marked 'URGENT' to Fax No. 02 9268 2576.

2.6.15.3.3 Depositions on finalised matters from both Sydney District and Downing Centre Local Courts

All requests for depositions on finalised matters should be faxed to the Depositions Clerk at the City Community Corrections Office.

2.6.15.4 Children's Courts

Children's Courts will supply depositions automatically when a PSR is requested.

2.6.15.5 Supreme Court

The Supreme Court Criminal Registry occasionally forwards copies of depositions to the City Community Corrections Office for distribution to the relevant location. However, when this does not occur, the Supreme Court Registry should be contacted by telephone or fax. They will then make the appropriate depositions available for photocopying by Community Corrections staff.

2.6.16 Medical/psychiatric

- a. During the preparation of PSRs, officers may observe symptoms of a medical or psychiatric condition in an offender. Officers must ensure that if they advise the offender to seek assessment or treatment for the condition, they do not appear to be "referring" the offender. This is to avoid both the possibility of the Service appearing to be biased and the Service being invoiced by a medical practitioner.
- b. The officer should make clear to the offender that the offender will be responsible for any costs incurred. If the offender is legally represented, the officer should advise them to discuss the matter with their legal representative.
- c. Similarly, if it appears that the court would be assisted by a psychological report, officers should not arrange for that to be prepared if that would lead to any cost to the Service. In some cases it may be appropriate for officers to discuss the need for, and cost of, specialist reports with the offender's legal adviser to see whether they might arrange payment.
- d. When the offender's condition appears so serious that the officer is unable to assess the offender as to sentencing options, the officer should suggest, in the conclusion of the report, an adjournment for an assessment and report by an appropriate specialist. Magistrates and Judges have the discretion to order such a report, with the cost being met by the Attorney General's Department.
- e. Officers must not comment on the assessments or opinions expressed in specialist reports except in the context of their own assessments.
- f. If referring to specific comments or diagnoses expressed either verbally or in writing by a specialist, officers must clearly state whose opinion this is. The Judge or Magistrate must be able to differentiate between the opinions of the officer and the opinions of the specialist. Officers should not include specialists' names in the report unless also submitting the specialist's document to the court.

2.6.17 Recording medical information

- a. Officers should record only the symptoms and limitations resulting from medical conditions that are relevant to an individual's offending behaviour and suitability for sentencing options, rather than discussing the condition itself.
- b. Details relating to HIV/AIDS status should not be recorded on any Service forms. Section 17 of the Public Health Act requires that all reasonable steps must be taken to prevent disclosure, to another person, of information about an individual's HIV/AIDS status unless it is with their consent. Recording of such information on a

form may amount to a “failure to take all reasonable steps” to prevent disclosure and may constitute an offence.

2.6.18 HIV/AIDS status

- a. While offenders suffering from an AIDS illness may be limited in their capacity to carry out such sentencing options as a Community Service Order, a person's HIV status is not relevant in determining their suitability for these options.
- b. To make an assessment of unsuitability, on the basis of a person being HIV antibody positive, would amount to unwarranted and possibly unlawful discrimination. However, in view of the potential for health problems, the offender should provide a medical certificate, which explains their limitations, if any.

2.6.19 Aboriginal issues

Officers should read **Aboriginal Offender Management Strategies**, October 1999. The following are some of the issues relevant to the preparation of PSRs:

- a. Interviews should be as informal as possible, with body language and questioning being open and relaxed.
- b. The offender will have a contact address but may stay at several different addresses. This should not preclude them from being assessed as suitable for community based sentencing options.
- c. Discussion of sexual issues across genders may be culturally prohibited.
- d. Differing family structures and obligations should be taken into account and kinship systems discussed.

2.6.20 High Range Prescribed Concentrate of Alcohol (HRPCA)

Ref: SACM 02/2005

Pre-Sentence Reports are to assess repeat High Range Prescribed Concentrate of Alcohol (HRPCA) offenders for all community based sentencing options. Positive assessments for the following sentencing options are to include a condition to participate in the Sober Driver Program:

- a. Supervised Good Behaviour Bonds;
- b. Home Detention Orders; and
- c. In the case of a Community Service Order, 20 hours attendance at the Sober Driver Program.

2.6.21 Pre-delivery time frames

- a. Where a Judge or Magistrate has ordered a report and granted the recommended adjournment for that class of report, officers must deliver, to Local Court Offices and Higher Court Registries, the original of the report plus two copies by 10am on the working day prior to the sentence date.
- b. These documents are to be placed on the court papers by the court staff.
- c. At some Courts, for example, Parramatta Courts and Downing Centre Courts, where there are full-time Court Duty Officers, the report is to be faxed directly to that officer who will copy it and ensure it is placed on the court papers.
- d. If unsure of the procedure, check local arrangements.
- e. Prosecution and defence representatives may collect a copy of the report from either the court papers, directly from the relevant Community Corrections Office or request, in writing, a faxed copy.

f. If, on the day prior to sentence, the prosecution or defence representatives have not obtained the report, court staff will provide them with a copy from the court papers.

2.6.22 Attendance at court

a. Authors of Home Detention Assessments must attend court. Attendance at court is also required for any reports prepared for the Supreme Court; unless the court is prepared to accept the report from a Court Duty Officer or the court requires the report to be delivered at an earlier date and the officer is excused from attending.

b. In other cases, report authors will not normally be at court unless a Judge or Magistrate requests their attendance.

c. A judicial officer has the prerogative to direct, at any time, a PSR author's attendance at court. This direction must be complied with wherever possible.

d. Where a prosecutor, legal representative or unrepresented offender wishes to cross-examine the author of a PSR, they must seek a direction from the Judge or Magistrate for the attendance of the author.

2.6.23 Court Duty Officers

a. Where there is a significant volume of work generated by a court, there is often a designated Court Duty Officer (CDO).

b. CDO pre sentence reports must be recorded on the *Court duty officer assessment* form. All reports must be in writing and all paperwork signed and dated.

c. Community Corrections Managers are to ensure that:

- Pre-Sentence Reports are registered correctly, to accurately reflect the workload of officers *and*
- All reports submitted to the court by Court Duty Officers, whether verbal or in the short written form, are registered in OIMS

d. Officers who have been directed to attend court, but who are unable to attend, must discuss the matter with their Community Corrections Manager before contacting the CDO.

e. If an Officer is required in Court for a matter but is unable to attend, arrangements should be made with the Court Duty Officer (CDO) for the Service to be represented. The CDO should be contacted by telephone at least two days prior to the listed date.

f. The relevant papers should be forwarded to the CDO by fax together with an indication of the outcome desired. If this procedure is not followed, the matter will be adjourned so that the Officer involved can attend Court.

2.6.23.1 Registering Court Duty reports and the *Court duty officer assessment* template

Court Duty Reports must be registered in OIMS using the following codes: *Order type* → ASO; *Order code* → PSRCDO.

Following registration, a *Court duty officer assessment* template can be generated in OIMS. The *Court duty officer assessment* template is also available as a Microsoft Word document. Refer to annexure to *Section B: Court duty officer assessment*.

Where a court duty report is provided to a court using the *Court duty officer assessment* template, the report must be saved to the OIMS database.

2.6.23.2 Court Duty Officer services provided by City Community Corrections Office

Ref: SACAM 58/2005

City Community Corrections Office has responsibility for the following courts:

- Sydney (Downing Centre) District Court
- Downing Centre Local Court
- Central Local Court
- Waverley Local Court
- Court of Criminal Appeal (Court Duty assessments on appeal matters only)

Sydney District Court & Downing Centre Local Court

Court Duty Service

A Court Duty Officer service operates five days per week. The contact numbers are as follows:

Telephone: (02) 9287-7118

Fax: (02) 9287-7107

Faxing Pre-Sentence Reports

Pre-Sentence Reports should be forwarded to the Downing Centre Duty Officer, on the above fax number, by 10 am on the day prior to sentence.

*Reports are **NOT** to be sent to any other fax number within the Downing Centre Complex **OR** to the City Community Corrections Office.*

Central Local Court

Court Duty Service

A Court Duty Officer service is provided by City Community Corrections Office on Wednesdays only.

Faxing Pre-Sentence Reports

PSRs should be faxed to the Central Court Registry on Fax number (02) 9264-3806.

Waverley Local Court

Court Duty Service

A Court Duty Officer service is provided by City Corrections Office on Wednesdays only.

Faxing Pre-Sentence Reports

PSRs should be faxed to the Waverley Court Registry on Fax number (02) 9367-1966.

2.6.24 After a custodial sentence is received

2.6.24.1 Transfer of information to Correctional Centres

- a. If an offender receives a custodial sentence, information from PSRs is particularly helpful to Classification Committees in correctional centres as it is often the only independent and verified information that is provided in respect of an offender. This is particularly important if there are health or safety issues.
- b. A copy of the PSR should reach the appropriate correctional personnel within a maximum of 24 hours after reception. See **2.6.24.2** for procedures.
- c. If there is a risk of suicide or a serious psychiatric issue, the Governor of the relevant institution, or their representative, should be contacted by telephone. A case note should be made of this contact.

2.6.24.2 Procedures for the transfer of information to Correctional Centres

The following procedures must be followed by the author of the report, or if they are not available, by someone designated by them:

- a. The officer should complete a Transfer of Information form.
- b. The form should be completed on any current client attending court for sentence where there are concerns for their safety or well being and there is a possibility of imprisonment. The form should be forwarded in advance of the court hearing.
- c. The current or most recent PSR, where available, should accompany the form. Any additional information, including other reports relevant to the management of the offender in custody, should be attached.
- d. Court Duty Officers should complete this form where they have given court advice and the offender has received a custodial sentence. The assessment provided to the court should be attached to the form.
- e. A completed form should be given to the local police or correctional officer when an offender has received a custodial sentence but is to be held in police cells.
- f. The form and any additional material should be faxed to the Discharge Summary Unit at the Metropolitan Remand and Reception Centre.

2.6.24.3 Transfer of case histories and current orders when a custodial sentence is received

- a. If an offender receives a custodial sentence their case history is to be retained in the Community Corrections Office, in resubmit, for three months and then sent to Head Office Records. It should be transferred to a Parole Unit only at that Unit's request.
- b. For offenders currently under supervision, whose supervision will continue on release, the case history must be placed into resubmit until six weeks prior to the release date and the Order and case plan put into suspense.

2.6.25 Obtaining court results

2.6.25.1 Local Courts

The GLC system should be accessed where available. If access is not available, officers/clerical staff should contact the sentencing Local Court by telephone.

2.6.25.2 District Courts

The CTS system should be accessed where available (OIMS should be used if CTS is unavailable), usually about two days after sentence. If the results are not available contact:

- a. City Community Corrections Office, by fax **(9264-2576)** only, in relation to matters from the Sydney District Court.
- b. Parramatta District Court in relation to matters from the Parramatta District Court.
- c. Other District Courts by telephone.

Quote all details, including the file number of the case.

2.6.25.3 Supreme and Children's Courts

The sentencing court should be contacted by telephone.

2.6.26 Obtaining judges' sentencing remarks

Requests for Judges' remarks must be emailed to the Sentence Administration Branch using the *Request for Summing Up/Comments on Sentencing* form. This form can be accessed by navigating through the following links on the DCS intranet home page: *Forms and Templates* → *Legal Services Forms*. The form contains an email link to the Sentence Administration Branch - sentence.admin@dcs.nsw.gov.au.

Allow adequate time for the processing and delivery of the requested information to your office.

It is not necessary to request remarks for offenders with sentences of over three years, with the exception of the Supreme Court, as they will be sent out automatically within 6 – 8 months. If after that time you have not received a copy of the Remarks, they can be requested by using the process outlined.

For matters in the Supreme Court and the Court of Criminal Appeal, Judges' remarks can be found on the internet.

2.6.27 Recording court results

- a. Results should be recorded on Registration Form PPS80.
- b. This form, together with the Order, if relevant, and the offender's file should be given to the supervising senior officer who will arrange to have the information registered on OIMS.
- c. If there is any supervision of the offender involved, a copy of the Order must be obtained before the result is registered.

2.6.28 Pre sentence reports on employees of Corrective Services NSW

- a. Occasionally officers will be required to prepare PSRs on Departmental employees who have committed a criminal offence.
- b. The Public Sector Management (General) Regulation 1996 (Section 30) states that "an officer who is charged with having committed, or is convicted of, a serious offence must immediately report that fact in writing to the appropriate Department Head".
- c. This Section also states that "if the senior officer has reason to believe that an officer has been charged with having committed, or has been convicted of, a serious offence but has not reported that fact....that senior officer must immediately report that fact to the appropriate Department Head".
- d. A serious offence is an offence punishable by a term of imprisonment of twelve months or more. Such cases are monitored by the Employment and Administrative Law Branch on behalf of the Commissioner.
- e. If the officer preparing the report becomes aware that the Department Head should have been informed and has not been, the matter should be discussed with the Community Corrections Manager. The Community Corrections Manager must then notify the Manager, Employment and Administrative Law Branch of that fact. The offender is to be informed that this action is occurring.

2.6.29 Pre sentence reports on lawful non-citizens and unlawful non-citizens

If requested by a court, CSNSW staff must undertake assessments for offenders who are lawful non-citizens and unlawful non-citizens.

- A lawful non-citizen is a person who is not an Australian citizen, and who has entered Australia on a temporary or permanent visa. A lawful non-citizen can remain in Australia indefinitely or temporarily depending on their visa.
- An unlawful non-citizen is a person who is not an Australian citizen, and who remains in Australia after their visa has expired or been cancelled, or has entered Australia without a visa.

Immigration status is not to be taken into account when assessing an offender for community based sentencing options (ie. it is not an impediment to a suitable assessment). Such offenders are to be assessed as usual, in accordance with relevant policy and procedures.

2.7 COMMUNITY SERVICE ORDER (CSO) WORK OR PROGRAM ASSESSMENT

2.7.1 Introduction

A court cannot issue a CSO unless the assessment report states that the offender is suitable.

Community Corrections Officers must make an assessment as to the suitability of offenders to take part in the CSO scheme in the preparation of a full pre-sentence report, a specific CSO assessment or a Court duty officer report. The assessment must consider the offenders suitability for community work and developmental programs as well as the availability of suitable work and programs.

2.7.2 Legislative requirements for suitability

- 1) The offender must be over 18 years at the time of the offence, or, if under 18 years, over 21 years when charged.
- 2) Community Corrections Officers must explain the requirements of a CSO to the offender, sign the undertaking and annexure and have the offender sign the undertaking and annexure.
- 3) The offender must reside in an area where the CSO Scheme operates.
- 4) A court may issue a CSO only if an assessment report states that the offender is a suitable person to perform work and developmental programs, and that suitable work and programs are available.
- 5) When an offender is assessed as suitable for a CSO the following wording must be used in the Pre Sentence Report:

The offender has been assessed as suitable for a Community Service Order as per the requirements of S86 (1) of the Crimes (Sentencing Procedure) Act 1999 and has signed an undertaking as required by S86 (1)(e) of this Act. If such an order is made, the offender should report to (insert reporting instructions)

- 6) If the Community Corrections Officer compiling a PSR deems that the offender is suitable for a Community Service Order, they must also specify whether or not the offender would benefit from participation in one or more programs. If the offender is assessed as suitable for program participation, the name of the program(s), the offending behaviour to be targeted and the number of hours required to complete the program(s) must be stated in the PSR. The following wording must be used in the report:

In addition to unpaid work, the offender has been assessed as suitable to participate in ...(specify)... developmental program(s) targeting...(specify).. offending behaviour. A program component of hours would allow the offender to complete the appropriate program(s).

- 7) If participation in programs under a CSO is assessed as **not** being suitable or there are no available programs to target the relevant offending behaviour, that assessment must be clearly stated and the reasons behind it given. The following wording must be used in the Pre Sentence Report:

While the offender has been assessed as suitable to perform unpaid work under a Community Service Order, it is considered that no available developmental program would significantly benefit the offender for the following reasons:

(Specify reasons)

- 8) All assessments for unsuitability must be explained fully in the report, ensuring that the reasons for a finding of unsuitability do not amount to discrimination. The following wording must be used in the Pre Sentence Report:

The offender has been assessed as unsuitable for a Community Service Order as per the requirements of S86 (1) of the Crimes (Sentencing Procedure) Act 1999 for the following reasons:

(Specify reasons for unsuitability)

Refer to *Section C: Community Service Orders*.

2.7.3 Guidelines for suitability

In addition to the legislative requirements, Community Corrections Officers writing the *Pre Sentence Report* must consider the following when assessing an offender's suitability for work or programs:

a. The likelihood of the offender being able to complete a CSO. While a drug habit may raise concerns about reliability it may not necessarily rule out this option. The [Frameworks for Assessment of Drug and Alcohol Issues for Community Based Sentencing Options](#) document should be used to inform the assessment process (Ref: SACAM 36/2005)

b. The availability of suitable work in the area or a suitable development program. The relevant Community Service Organiser and Community Corrections Officer coordinating developmental programs must be contacted to confirm the availability of suitable work and/or developmental programs (*refer to Section B, Part 1.7.8*).

On any occasion that work is unavailable in an area, or suitable work cannot be found to meet an offender's individual circumstances, an email must be sent by the Community Corrections Officer to the Community Corrections Director responsible for the Community Corrections Office that would administer the community service order. The email must be sent prior to the offender's court appearance, or as soon as possible after a court duty officer report is prepared. The email must indicate the offender's name, MIN, the reasons work is unavailable and details of the efforts made to find work for the offender.

c. The extent to which the offender would present a threat to the community, an agency or to themselves. This is particularly important for individuals with convictions for violent or sexual offences;

d. The willingness of the offender to participate in the work and developmental program component of the order.

- e. The availability of the offender during the appropriate hours, taking into account family and employment commitments.

2.7.4 Functional assessment

In considering the suitability factors Community Corrections Officers should also undertake a functional assessment to determine whether the offender is reasonably able and likely to complete a CSO.

Officers should make a professional judgement as to the offender's social functioning and the reliability needed to enable regular attendance at a worksite or program location.

2.7.5 Offenders with existing community service orders

- a. There is a 500 hour statutory limit on the number of hours that an offender can be ordered to work. The sentencing court, therefore, needs to be aware of the current status of any existing CSO, including the number of hours already worked, so that further Orders are within this limit.
- b. If an offender has an existing CSO and receives a further CSO, the new Order is deemed to be concurrent with the hours outstanding on the pre-existing CSO at the time the new Order was made, unless the court specifies that the new Order is to be consecutive.
- c. Officers should ensure that the new Order meets legislative requirements and accurately reflects the stated intention of the sentencer.

2.7.6 Medical information

- a. An offender on a CSO has a duty to disclose, as soon as possible, any medical, physical or mental condition, of which they are aware, that may substantially increase the risk of injury to them in performing work of any kind. They must also disclose any substantial change in that condition.
- b. A medical condition does not, in itself, render a person unsuitable for a CSO. The officer preparing the PSR should consult with the CSO organiser about possible appropriate activities.
- c. If appropriate activities are available, the PSR author should obtain confirmation from the offender's medical practitioner that the offender is able to undertake these particular activities. This should be in writing. A statement that the offender is able to perform "light duties" is not sufficient.
- d. Sickness beneficiaries and invalid pensioners may perform a CSO as long as their doctor provides a written statement of the specific type of work allowed.
- e. **See also 2.6.16, 2.6.17, 2.6.18** in regard to additional medical issues.
- f. The Service cannot give an assurance to any CSO agency in relation to the HIV status of CSO workers. In accordance with general occupational health and safety practices, all persons in any workplace should be treated as potentially HIV positive.

2.7.7 Non-English speaking background/disabilities

- a. Every effort should be made to identify suitable agencies and programs for non-English speaking offenders and those who may be physically or mentally disabled.

b. The key issue is the capacity of the offender to perform the work or complete a program. It is discriminatory to assess someone as unsuitable for a CSO because of an inability to communicate in English or due to physical or intellectual disabilities, where these limitations do not affect their ability to complete the Order.

c. If there are no suitable agencies to accommodate such persons, officers should state this in their report.

2.7.8 Consultation with Community Corrections staff

In order to minimise the number of inappropriate recommendations for Community Service Orders to the Court, the Community Corrections Officer writing the *Pre Sentence Report* must:

- 1) Confirm the availability of suitable work with the relevant Community Service Organiser. If work is not available, an email must be sent to the Community Corrections Director responsible for the Community Corrections Office that would administer the community service order. (see Section B, Part 1.7.3).
- 2) Confirm the availability of suitable developmental programs with the relevant Community Corrections Officer coordinating the developmental programs.

If a Court Duty Officer is unable to make the required enquiries about the availability of work and developmental programs, an adjournment must be sought from the Court.

2.7.9 Receipt of an order

A CSO should not be commenced before a copy of the Order is obtained from the court and registered on OIMS.

2.7.10 State borders

a. Only NSW residents can be assessed as suitable for a CSO and only agencies located in NSW can be utilised for this program.

b. The court should be advised that residents of other States are ineligible for this sentencing option.

2.8 SEX OFFENDER ASSESSMENTS

2.8.1. Pre-sentence assessments for sexual offence/s

Where a court has requested a pre-sentence report (PSR) for an offender who is to be sentenced for a sexual offence/s, the allocated Community Corrections Officer must make a referral for a psychological sex offender assessment to be undertaken by a CSNSW psychologist as follows:

- If the court has requested a psychological or risk assessment on the PSR request or by other means, the Community Corrections Officer must follow the procedures set out in *Part 2.8.2: Requests from courts* to request a *Psychological assessment report*.
- If the court has not requested a psychological or risk assessment, the Community Corrections Officer must follow the procedures set out in *Part 2.8.3: Requests from Community Corrections officers* to request a *Pre-sentence consultation*.

- If the offender is in custody, regardless of whether a *Psychological assessment report* or a *Pre-sentence consultation* is required, the Community Corrections officer must follow the procedures set out in *Part 2.8.4: Referrals for offenders in custody*.

2.8.1.1. The assessment process

Referrals for sex offender assessments must be made as soon as possible after the PSR request is received.

A sex offender assessment will provide specialist information relating to:

- factors indicative of risk;
- factors relevant to the management of risk;
- appropriate sex offender treatment options;
- availability of treatment options; and
- other interventions required by the offender.

The offender may or may not be interviewed by the psychologist for the purpose of a sex offender assessment.

The assessing psychologist will consult with the Community Corrections Officer regarding the referral and maintain communication throughout the assessment process. Once the assessment has been completed, the assessing psychologist will:

- prepare the sex offender assessment (*Psychological assessment report* or *Pre-sentence consultation*);
- complete the assessment no later than four days prior to the sentence date; and
- file the completed *Psychological assessment report* in TRIM and advise the Community Corrections Officer of the TRIM document number for the report; or
- enter the completed *Pre-sentence consultation* in an OIMS *Pre-sentence consultation* case note and advise the Community Corrections Officer that the case note is available.

Community Corrections Officers must attach the sex offender assessment to the PSR when sending the PSR to court.

2.8.2. Requests from courts

Where a sex offender assessment has been requested by a court, and is deemed appropriate by the Principal Advisor, Psychology, a *Psychological assessment report* will be prepared for the court.

The Community Corrections Officer must complete the annexure *Community Corrections – Psychology: Referral for sex offender assessment*, requesting a *Psychological assessment report*. The completed form, together with any relevant documentation (as listed on the form) must be emailed to the Principal Advisor, Psychology at psychology@dcs.nsw.gov.au.

The Principal Advisor will review the court request and:

- if the request is appropriate, forward the referral to a CSNSW psychologist who will prepare a *Psychological assessment report*, or
- if the request is not appropriate, arrange for a CSNSW psychologist who will prepare a *Pre-Sentence consultation*.

The Principal Advisor will advise the Community Corrections Officer of the decision made following review of the referral.

2.8.2.1. If a report/psychologist is not available

In the event that the *Psychological assessment report* is not available at the time the PSR is being finalised, the Community Corrections Officer must discuss the assessment with the assessing psychologist and include any relevant information in the PSR.

In circumstances where staffing issues delay the completion of the *Psychological assessment report*, the Principal Advisor will seek an adjournment from the court and advise the Community Corrections Officer of the outcome.

2.8.2.2. Enquiries

Enquires about the referral process for *Psychological assessment reports* can be directed to the Principal Advisor, Psychology at psychology@dcs.nsw.gov.au.

2.8.3. Referrals from Community Corrections Officers

Where a sex offender assessment has not been ordered by a court, a *Pre-sentence consultation* will be prepared for the Community Corrections Officer.

The Community Corrections Officer must complete the annexure *Community Corrections – Psychology: Referral for sex offender assessment*, requesting a *Pre-sentence consultation*. The completed form, together with any relevant documentation (as listed on the form) must be emailed to the CSNSW psychologist attached to the Community Corrections Officer's location.

The *Pre-sentence consultation* must be listed as a source of information in the PSR, including the author's name and the date of the case note. The OIMS *Pre-sentence consultation* case note must be printed and attached to the PSR when it is sent to court.

2.8.3.1. If a report/psychologist is not available

In the event that a *Pre-sentence consultation* is not available at the time the PSR is being finalised, the Community Corrections Officer must discuss the assessment with the assessing psychologist and include any relevant information in the PSR.

In circumstances where the CSNSW psychologist attached to the Community Corrections Officer's location is absent, the Community Corrections Officer must contact any psychologist acting in or covering the position (ie. a CSNSW psychologist in a neighbouring location) to determine whether they are able to undertake the assessment. Where an acting/covering psychologist is not available or unable to undertake the assessment, or the position is vacant, the referral must be forwarded to the appropriate Senior Supervising Psychologist, Sex Offender Programmes as follows:

- Metropolitan region
katherine.sahm@dcs.nsw.gov.au;
- South West region
graham.rendell@dcs.nsw.gov.au;
- North West region
jillian.mears@dcs.nsw.gov.au.

Where staffing issues delay the completion of the *Pre-sentence consultation*, the Community Corrections Officer can seek an adjournment from the court and advise the assessing psychologist of the outcome.

2.8.3.2. Enquiries

Enquires about the referral process for the *Pre-sentence consultation* can be directed to the Director, Sex Offender Programs on tel: 02 9219 8104.

2.8.4. Referrals for offenders in custody

Referrals regarding offenders in custody, regardless of whether the assessment is requested by a court or required by a Community Corrections Officer, must be forwarded to the Principal Advisor, Psychology at psychology@dcs.nsw.gov.au. The Principal Advisor will allocate the referral to a CSNSW psychologist and will advise the Community Corrections Officer of the allocation details.

Document History

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1.0	22/11/2006	Amendments to 1.8.2 as per CCOSPM 2006/020 and Amendments to 1.4.10 & 1.7 as per CCOSPPM 2006/022
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1.2	14/02/2007	Amendments to 1.6.21 as per CCOSPPM 2007/012
1.3	14/02/2007	Amendments to 1.7.3 and 1.8.4 as per CCOSPPM 2007/013
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