


Chapter: **Court Reports**
Subject: **Pre-Sentence Report**
For: **All Community**

Classification: **Public Document**


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Policy

- 1 Correctional Services, at the request of the court, will prepare pre-sentence reports (PSR) to assist the court in sentencing.

Legislative Authority

- 2 For information on legislative authority for writing Pre-Sentence Reports, please consult the Pre-Sentence Report Writing Manual and associated legislation

Standards

- 3 Pre-sentence investigations, and subsequent reports, will be conducted, prepared, and submitted by probation officers, in accordance with the Pre-Sentence Report Writing Manual and this policy.
- 4 A Probation Officer may only initiate a pre-sentence report when a request is received from the court following a conviction being entered.
 - (a) **EXCEPTION:** Where a judge accepts a guilty plea from a young person but does not make a finding of guilt pursuant to section 36 YCJA. In these cases, the completed PSR will be held and provided to the youth justice court for distribution on the day of sentencing.
- 5 Pre-sentence report preparation is the primary responsibility of a Probation Officer.
- 6 Probation Officers will document the interview with the individual, and any collateral contacts on JEIN, in accordance with Policy and Procedures Subject No. 14.00.00, [File Management Process](#)

Secondary Purposes of the Pre-Sentence Report


- 7 In addition to assisting the court in sentencing, the PSR is used to provide an accurate assessment and background information to support
 - (a) the Probation Officer's supervision of the individual in the community,

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- (b) determining appropriate treatment services or programming
- (c) decisions regarding releases of individuals on conditional release or reintegration leave

The Investigation – General


- 8 Information identified during a pre-sentence investigation will be thoroughly clarified with the individual to ensure it is accurate and has been correctly interpreted by the Probation Officer. The Probation Officer will be prepared to verify the accuracy of all information in the PSR in court if required.
- 9 Interviews with the individual and collateral sources will be completed by the same Probation Officer who will be preparing the final report.
- 10 Interviews for pre-sentence, update and follow ups, should be conducted in person in the local community corrections office, or if in custody, at the correctional facility, in accordance with Policy and Procedures, subject No. 12.05.00, [Workplace Safety](#)
- 11 In situations where the individual is held in custody at a distance from the Community Corrections office responsible for the report, the Probation Officer may travel to the correctional facility if under 150 km, to interview the individual. Where this is not possible, with approval by the Senior Probation Officer, the interview may be conducted by video. When these two options are not available, the Senior Probation Officer may request the report be completed by an office nearer to the facility.
- 12 Notes used in the preparation of the PSR will be retained by Probation Officers in a secure location, for 60 days following sentence.
- 13 The Probation Officer will ensure the interview is objective, culturally respectful, comprised of verifiable information, and avoids vague impressions.
- 14 Probation Officers will not
 - (a) recommend a lawyer or provide legal advice to the individual
 - (b) comment to the individual, or collateral sources on the likely disposition of the court
 - (c) comment to the individual, or collateral sources about personal views regarding the offence or the criminal investigation

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- 15 PSR's are prepared for the court, therefore, it is not appropriate during the preparation stage of the report to be influenced by requests from either crown attorney or defense counsel regarding the inclusion or exclusion of specific information in the PSR.
- 16 If citizenship is in doubt or if the individual is not a citizen of Canada, contact will be established with [Canada Border Services Agency](#) for confirmation or notification purposes as appropriate.
- 17 If the individual fails to report for the interview or fails to respond to reasonable efforts by the Probation Officer to arrange an interview, such as phone, letter, email, the Probation Officer will check to determine if the individual is in custody, and if not in custody, the Probation Officer will inform the court in writing using the failure to report letter generated by JEIN.
- 18 When an individual is remanded pending PSR preparation and it appears the individual may be transferred to another correctional facility or to a federal penitentiary, the Probation Officer will contact the staff person responsible for custody transfers and request the individual be retained at that facility until the individual has been interviewed. The Probation Officer will give priority to this interview and conduct the interview within three working days of receipt of the PSR request.
- 19 Before beginning the interview with the individual, the Probation Officer will provide them with a copy of the [PSR Information Sheet](#), and explain
 - (a) the purpose and content of the report
 - (b) other collateral contacts will be interviewed
 - (c) the individual will receive a copy of the report from the clerk of the court or legal counsel
 - (d) the individual has the right to challenge information in the report either directly or through legal counsel prior to sentence
 - (e) any information provided by the individual may be included in the report, and
 - (f) the distribution process of the report.
- 20 For more information on the investigation and preparing the report, please see attached [PSR Writing Manual](#)

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The Investigation - Initial Interview with Individual

- 21 During the initial interview the Probation Officer may request, where necessary to facilitate access to relevant information from other agencies, that the individual authorize, a release of information, in accordance with Policy and Procedures Subject No. 4.00.00 , [Access and Disclosure of Information](#) .
- 22 Any refusal or lack of cooperation by the individual to provide information for the PSR, or to sign a release of information, will be noted in the PSR.

The Investigation - Collateral Contacts


- 23 The Probation Officer will confirm or gather further information through the interview of collateral contacts. The level and extent of contact will be determined by the Probation Officer, not the individual.
- 24 Collateral contacts may include parents, spouse, or other family members, employer or previous employer, principal, teacher, or other educational contact, friends and neighbors, counselor or therapist, youth group leaders, victim(s), and others who may be identified as significant in the individual's life.
- 25 The Probation Officer will inform all collateral contacts
 - (a) they are under no obligation to answer any questions
 - (b) they will be identified as a source of information if their comments are included in the PSR. If they request anonymity, the probation officer will not interview them or include any comments in PSR
 - (c) although this procedure is rarely used, they may be called upon to substantiate any information which they provide and may be called as a witness at sentencing Pre-Sentence
 - (d) reports are public documents except as provided for in the YCJA, and
 - (e) the individual will have an opportunity to read the PSR
- 26 The Probation Officer will exercise caution to ensure the individual's right to confidentiality is not compromised during interviews with collateral contacts. The collateral contact should be provided with no more information about the offence than is necessary to conduct the

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interview.

- 27 If the offence(s) for which a pre-sentence report is being prepared involved domestic/intimate partner and/or sexual violence, the Probation Officer will make efforts to contact the victim and offer them an opportunity to be interviewed. The results of the interview will be included in the pre-sentence report, and any correspondence will be documented in accordance with Policy and Procedures, Subject No. 14.00.00, [File Management Process](#). For more information on victim interviews, please consult the PSR Writing Manual.

The Investigation - Interviews with Family Members

- 28 It is important that the Probation Officer interview the parents, spouses, or other members of the extended family, as appropriate, if the individual is
- (a) a young person pursuant to YCJA, including when the
 - i. young person has lived with their parents or other family member recently or
 - ii. parents or other family member are interested in the proceedings
 - (b) under the age of 21 and lives with their parents or other family member
 - (c) over the age of 21, lives with their parents or other family member and is dependent on them for financial support
 - (d) living with their spouse
- 29 Probation Officers will ensure
- (a) the individual is interviewed before interviewing family members
 - (b) the individual's views of the family are compared with the family's view of the individual
 - (c) if necessary, conduct a second interview with the individual

Preparing the Pre-Sentence Report


- 30 If no relevant information is available or appropriate for inclusion with respect to a specific section, this fact will be stated in the PSR.
- 31 Probation Officers will not attach letters of reference which are supplied by the individual to

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the PSR. Letters of reference normally lack the degree of objectivity which is necessary for a PSR.

- 32 Where practical and possible, the Probation Officer may choose to refer to the individual by their surname, and preferred pronoun.
- 33 Senior Probation Officers, Probation Officers and administrative assistants are responsible for ensuring PSRs are proofread before they are submitted to the court.
- 34 Reports prepared by new Probation Officers will be reviewed prior to submission by the supervising Senior Probation Officer for the first year of employment to ensure the reports follow established policy and procedures.
- 35 Students and Volunteers in Corrections are not permitted to prepare pre-sentence reports.

Updated Pre-Sentence Reports

- 36 An updated report is an abridged PSR in letter form which references a PSR which was previously submitted to the court.
- 37 An updated report may be submitted, rather than a regular PSR, in cases where the court has requested a PSR, and
 - (a) the time between the original and subsequent PSR is one year or less, or
 - (b) the court specifically requests an update be completed
- 38 Where an updated report is prepared, the individual should be interviewed in person by a probation officer. Other sources may be re-contacted as necessary to confirm the current accuracy of the information as contained in the previous PSR. All sources contacted in the preparation of the updated report will be clearly identified.

Follow up Reports


- 39 A follow-up report is a report which is prepared in letter form when the judge requests a further report for follow-up purposes during the term of the court order.
- 40 A follow-up report will be submitted in cases where at the time of the initial sentence, the

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court has requested a follow-up report at a specified time during the term of the court order.


- 41 A follow-up report will only be prepared at the request of the Court.
- 42 Where a follow-up report is prepared,
- (a) the individual should be interviewed in person.
 - (b) collateral contacts should be made as circumstances dictate.
 - (c) all sources contacted in the preparation of the follow-up report will be clearly identified.
 - (d) The follow-up report should begin with a paragraph identifying the
 - i. court date
 - ii. offence number
 - iii. sentencing date
- 43 Distribution of a follow-up report is the same as with regular PSRs, and however, as a result of being requested after sentencing, they cannot be submitted through JEIN.

Schedule of Submission to Court

- 44 When a pre-sentence report request is received from the court, it will be entered into the PSR Tracking Log ([see form 15.01.00. A](#))
- 45 Reports will be submitted to support staff for dictation/editing, no later than seven clear days prior to sentencing. This practice will
- (a) allow staff to manage their time
 - (b) allow for unforeseen circumstances which may cause delays during the preparation process
 - (c) provide the court sufficient time to distribute the PSR to counsel
 - (d) provide the court with time to consider the content before sentencing
- 46 Support staff will submit reports at least one clear business day before the PSR is due for submission to the court.

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Distribution of Pre-Sentence Reports

- 47 Distribution of pre-sentence and update reports is in accordance with [the Electronic Report Preparation Reference Manual](#), found on FileNet
- 48 When reports cannot be submitted through JEIN, the sending office will contact the court to determine their preferred method of delivery, email/fax or in person. In these cases, the sending office will coordinate with the court, to ensure confidentiality is maintained.