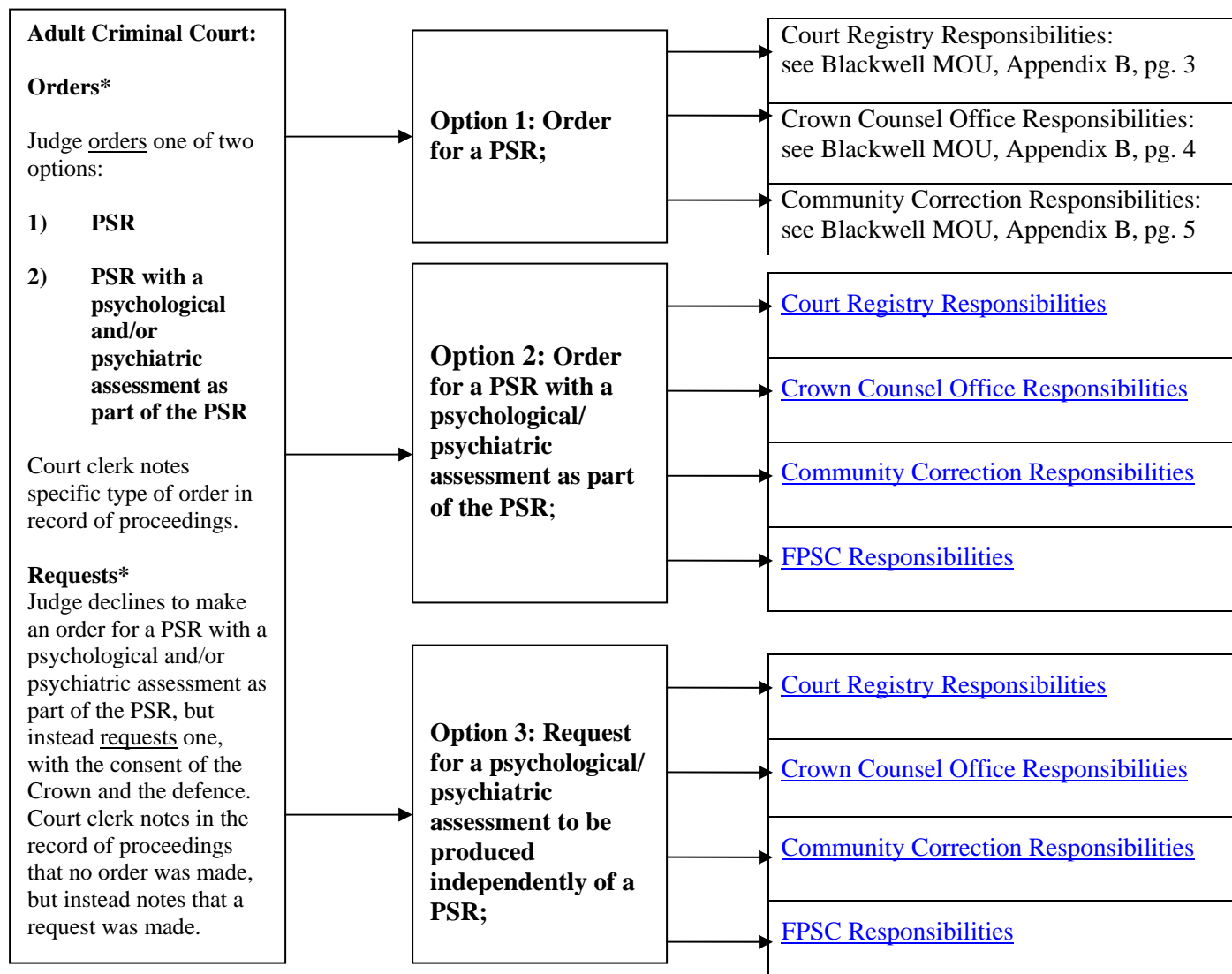


Chart of the Responsibilities of the Provincial Government Agencies Involved in Obtaining Pre-Sentence Reports and Psychological and/or Psychiatric Assessments for Sentencing Purposes in Adult Criminal Court



*Whenever the Crown, the defence or the Court wants a psychological/psychiatric assessment for sentencing purposes, the Crown Counsel, while exercising appropriate discretion, will generally:

1. First seek a Court Order for a PSR with a psychological/psychiatric assessment as part of the PSR (*R. v. Blackwell*, 2007 BCSC 1486 type of order) rather than agree to a request, regardless of whether or not the offender consents in court to an assessment. A court order is enforceable, so even if the offender changes his mind and does not participate in the assessment, the FPSC clinic will complete an assessment based on collateral information, whereas, a request for an assessment by the Court is an unenforceable voluntary process dependant upon the consent of the offender. If the offender withdraws his consent and does not cooperate with the assessment, no assessment will be completed.

2. In cases where the Crown has applied for a Court Order for a PSR with a psychological/psychiatric assessment as part of the PSR (*R. v. Blackwell*, 2007 BCSC 1486 type of order) and a Court has determined that it will not make such an order and the offender is willing to consent to an assessment, the Crown and the defence may ask the Court to request a psychological/psychiatric assessment without making an order. With the agreement of both the Crown and the defence, the Court may request that an assessment be done on the understanding that the offender will voluntarily participate. Crown Counsel should refer to the introduction and to pages 7 and 11 for complete directions.