

COURT ORDER FOR A PSR WITH A PSYCHOLOGICAL/PSYCHIATRIC ASSESSMENT AS PART OF THE PSR

Court Registry

Ordering a PSR with Psychological/Psychiatric Assessment as part of the PSR and providing Documentation

The administrative process for obtaining the PSR when a psychological/psychiatric assessment has been ordered as part of the PSR commences with the Court Registry preparing a 'Pre-Sentence Report & Psychological/Psychiatric Assessments' form (PSR & P/PA form). The Court Registry indicates on the form that an assessment has been ordered as part of the PSR.

The Court Registry sends copies of a PSR & P/PA form, indicating that a PSR with a psychological/psychiatric assessment as part of the PSR has been ordered, along with the Information or Indictment and the Record of Proceedings to the Crown Counsel Office, Community Corrections and the FPSC Clinic.*

Receiving, filing and distributing a PSR with Psychological/Psychiatric Assessment ordered as part of the PSR – Timing

No Delay in either PSR or Psychological/Psychiatric Assessment

If the FPSC Clinic completes and submits the psychological/psychiatric assessment to the Court Registry at least five business days prior to the sentence hearing date; the Court Registry files it and sends copies of it to the Judge, the Crown counsel and the defence counsel on or before the sentence hearing date. The Court Registry also receives an original PSR with an attached copy of the psychological/psychiatric assessment from Community Corrections as a combined document along with three copies of that combined document and it files the original and three copies, at least two business days prior to the sentence hearing date. The Court Registry distributes the filed copies of the PSR with the attached copy of the psychological/psychiatric assessment to the Judge, the Crown counsel and the defence counsel on or before the sentence hearing date. The original PSR with the attached copy of the psychological/psychiatric assessment remains in the court file, in addition to the psychological/psychiatric assessment which was filed by the FPSC Clinic.

Short Delay of Psychological/Psychiatric Assessment – Late but available prior to the Sentencing Hearing Date

If the FPSC Clinic completes the psychological/psychiatric assessment before the sentence hearing date, but cannot submit it to the Court and a copy to Community Corrections at least five business days prior to the sentence hearing date, it sends the original to the Court and a copy to Community Corrections as soon as possible. The Court Registry files the original psychological/psychiatric assessment and sends copies of it to the Judge, the Crown counsel and the defence counsel on or before the sentence hearing date. If Community Corrections does not have sufficient time to review the copy of the psychological/psychiatric assessment before filing the PSR or if the PSR has already been filed, Community Corrections does not attach the psychological/psychiatric assessment to the PSR. It files the original and three copies of the PSR without an attached psychological/psychiatric assessment at the Court Registry. The Court Registry distributes filed copies of the PSR to the Judge, the Crown counsel and the defence counsel on or before the sentence hearing date.

Long Delay of Psychological/Psychiatric Assessment – Late and unavailable until after the original Sentencing Hearing Date

If the FPSC Clinic cannot complete the psychological/psychiatric assessment by the sentence hearing date, the Court Registry receives a letter from the FPSC Clinic, addressed to the Judge, seeking more time, at least five

business days prior to the sentence hearing date. The Court Registry files the letter and sends copies of it to the Judge, the Crown counsel and the defence counsel. Unless the Court directs otherwise, Community Corrections continues to complete the PSR without a copy of the psychological/psychiatric assessment attached, for the original sentence hearing date. Community Corrections attaches a copy of the FPSC letter to its original PSR and files the PSR with the letter attached and three copies at the Court Registry, at least two business days prior to the sentence hearing date. The Court Registry distributes filed copies of the PSR with the letter attached to the Judge, the Crown counsel and the defence counsel on or before the sentence hearing date. The Crown or the defence may apply to adjourn the sentence hearing and if the Court decides to adjourn, the Court Registry sends a message to Community Corrections and the FPSC Clinic advising them of the new sentence hearing date. The psychological/psychiatric assessment will be produced before the new sentence hearing date and Court Registry will receive it and file it. Filed copies of it are distributed to the Judge, the Crown counsel and the defence counsel on or before the new sentence hearing date.

Delay of PSR – Late and unavailable until after the original Sentencing Hearing Date

If the probation officer is unable to complete the PSR by the sentence hearing date, Community Corrections sends a letter to the Court Registry, addressed to the Judge, seeking more time, at least two business days prior to the sentence hearing date. The court registry files the original letter and sends copies of it to the Judge, the Crown counsel and the defence counsel. The Crown or the defence may apply to adjourn the sentence hearing and if the Court decides to adjourn, the Court Registry sends a message to Community Corrections and the FPSC Clinic advising them of the new sentence hearing date. Prior to the new sentence hearing date, the Court Registry receives the PSR with a copy of a psychological/psychiatric assessment attached from Community Corrections, files it and sends copies of it to the Judge, the Crown counsel and the defence counsel.

*Depending on established local practices, the Court Registry may send its package along with the package being sent by the Crown Counsel Office to the FPSC Clinic.