

Better Case Management Handbook

10.2. Ordering a PSR in the Magistrates' Court on Committal for Sentence

This guidance applies pending an update to CrimPD 3A.9.

There should be liaison between Crown Courts, Magistrates' Courts and the Probation Service about the resources available so that courts are aware what level of provision is available.

In most areas the Probation Service will now be able to provide Pre-Sentence Reports (PSRs) in all cases which are committed to the Crown Court.

In other areas the Probation Service will not yet be able to provide PSRs in all cases and in such areas the magistrates must reach a decision whether a PSR is necessary applying the following guidance.

The sentencing court must obtain a report on an offender 18 or over unless it considers it unnecessary to do so. Additional conditions apply where the offender is aged under 182.

The purpose of a PSR is to facilitate the administration of justice, and to reduce an offender's likelihood of reoffending and to protect the public and/or victim(s) from further harm. A PSR does this by assisting the court to determine the most suitable method of sentencing an offender³.

Unless there is already in existence a recent PSR (not normally more than 6 months old) which is adequate to the new case, the Magistrates' Court will generally order a PSR when committing for sentence where:

- The defendant is of previous good character, or young (under 18, or under 21 and of previous good character or with no previous prison sentence), or otherwise vulnerable, OR
- The defendant has caring responsibilities, OR
- The sentence that might be appropriate in the Crown Court, before credit for plea, is likely to be 3 years or less such that the Crown Court will need to consider a suspended or community sentence, OR
- The defendant has committed a sexual offence (including indecent images) or domestic violence offence OR
- The sentencing court will have to consider whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (dangerousness).

If a report is to be ordered the magistrates should consider if any separate drug or alcohol treatment assessment is also required.

Where a defendant has committed a further offence during the period of a community order or suspended sentence it will usually be sufficient to order a progress report from the supervising officer to supplement an existing PSR.

Ordering a report at the time the case is committed for sentence allows probation maximum time to prepare a quality report, minimises delays, and reduces the risk of the need to adjourn the sentencing hearing. The complexity of reports required for the Crown Court and the limited capacity of the probation service to provide "on the day" reports means that organising a report in advance is much to be preferred.

If the Magistrates' Court refuses to order a PSR the defence should be reminded that they may renew their application to the Crown Court and should do so in writing in advance of the date set for sentence to avoid an ineffective hearing.

In all cases where there may be a guilty plea it is valuable for the defence to liaise with the Probation Service in advance to discuss whether a report may be of assistance and any particular issues that ought to be considered. If there are mental health issues the defence should also liaise with any mental health support service provided at the court.

Magistrates should ensure that arrangements are in place to ensure that the Probation Service is informed of any order for the preparation of a PSR.