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## Preparing A Court Report

You may be called upon to write a court report or a reference for a young person who has to appear in court. Court reports are generally used to help the client get a more lenient **sentence** once they have pleaded (or been found) guilty, or to get **bail**. Here are some steps to follow:

- (a) Ascertain the **purpose** of the report. Who is asking for it and how is it going to be used?
- (b) **Check with the client** about any “touchy” areas or information they would rather not have included in the report.
- (c) Ascertain **who else** (if anyone) is preparing a report and try to get some idea of its content. In many cases, there will be a **pre-sentence** (background) report prepared by Juvenile Justice (for children) or the NSW Probation Service (for over-18’s). If possible, your report should be consistent with other reports but need not repeat everything.
- (d) Ascertain to whom the report should be **addressed**. If you do not know the name of the Judge or Magistrate, address it to “The Presiding Magistrate” at the court (if it is a Children’s or Local Court), or to “The Presiding Judge” (if it is a District or Supreme Court).
- (e) Outline early **who you are** and how you know the young person, how long you have been working with them, and in what capacity.
- (f) Indicate that you know **why** the young person is going to court. A useful phrase is “I am aware of the charges before the Court”.
- (g) If possible, your report should cover both the **past** - to give some background or context to the offence - including
  - (1) family background;
  - (2) education or employment history;
  - (3) drug problems;
  - (4) history of homelessness;
  - (5) intellectual disability or mental illness;and the **future** - to help convince the court that the young person is likely to stay out of trouble in the future - for example:
  - (6) steps taken or plans made to solve problems and change lifestyle; and
  - (7) future involvement with the client - what your service can offer them.
- (h) Try to limit yourself to things you have **personal knowledge** of. Sometimes you will have to rely on what the client has told you (eg. about their family

background). This is OK, but don't try to pass it off as your first-hand knowledge. Don't be afraid to raise negative points, but emphasise the positive.

- (i) It is not your role to tell the judge or magistrate what to do. However, you can hint at appropriate **sentencing options**, perhaps by explaining why imprisonment would be a disaster, by recommending a rehabilitation program, or by agreeing to place the client in your accommodation program if released on bail or a bond.
- (j) Keep the report **concise, simple and relevant**.
- (k) If possible, provide **two copies** (one for the solicitor and one for the prosecutor) along with the original.
- (l) **Sign it and date it!**

### **Shopfront Youth Legal Centre March 1998**

*The Shopfront Youth Legal Centre is a service provided by Freehills, in association with the Sydney City Mission and the Salvation Army.*

*This document was last updated in March 1998 and to the best of our knowledge is an accurate summary of the law in New South Wales at that time.*

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