## Victoria Legal Aid precedent template

## Letter to psychologist requesting new assessment & report for plea

This template had been developed in consultation with relevant expert report writers and is suitable for sentencing hearings in Supreme, County or Magistrates’ Court.

Note: The prosecution may seek disclosure of this letter of instruction and enclosures.

### Instructions for completing this letter

This document contains instructions to help you select the content options for the letter:

* shaded ‘[form fields]’ - enter or check data in each form field. Use the F11 key to move to the next form field.
* hidden text - to show/hide hidden text (and other formatting marks) press **Control+Shift+\*** or, click , the paragraph symbol, in the **Paragraphs** section of the Home tab.

The hidden text should not be visible in the printed letter. If it is, change the print settings. Go to: File > Print > Page set up > Paper > Print options > Printing options. Unselect ‘Print hidden text’.

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Psychological assessment and report for [Client's name]  
Date of birth: [date of birth]   
If client is in custody Custody location: [prison] – CRN: [CRN no.]

Para 1 I act for [Client's name] whose case is listed for a plea hearing in the Magistrates'CountySupreme Court on [next hearing date].

Para 2 Thank you for agreeing to assess my client and prepare a report for court. The report will be tendered at the plea hearing, to assist the sentencing court to understand my client’s mental functioning before, during and/or after the offending. You may be asked to give evidence of matters contained in your report. I will contact you if you are required at court.

Para 3 Victoria Legal Aid has agreed to pay $[fee payable under Table S of the Handbook for Lawyers] (inclusive of GST) for the assessment and report. [Link to Table S](http://handbook.vla.vic.gov.au/handbook/24-payments-to-lawyers-and-service-providers/disbursements/table-s-expert-reports-and-court-attendances-by-psychologists-and-psychiatrists-in-criminal-matters).

Para 4 The report is needed by **[date report required. NOTE: In the County and Supreme Court the report must be filed with the Court and served on the Prosecution at least 14 days before the plea]**. Please email the report to [email address] or fax it to [fax number if relevant] and send the original report to this office.

**Assessment arrangements**

Para 5 If client is IN CUSTODY [Client's title and last name] is in custody at [prison]. Please advise if you will conduct the assessment by video conference or at the prison, so that I can notify my client. Most prisons require several days’ notice of a professional visit or to book a conference. You can contact me if you require assistance with arranging the conference or permission to enter the prison.

Para 6 If client is NOT in custody An appointment has been made you to see my client:

When: [appointment date and time]

Where: [appointment location] OR online assessment by video conference

Include if client is NOT in custody and appointment has not been arranged. Please advise me of the assessment arrangements, so that I can notify my client. If you will be conducting the assessment online, I can assist with arranging a video conference.

Para 7 Please notify me if the assessment arrangements change.

Para 8 Include if client needs an interpreter My client requires an interpreter for the assessment, which I will arrange.

Para 9 Report guidelines

If case is in Supreme Court Your report must comply with the enclosed Supreme Court [Practice Note SC CR 7 Sentencing hearings: Expert reports on mental functioning of an offender](https://www.supremecourt.vic.gov.au/law-and-practice/practice-notes/sc-cr-7-expert-reports-on-mental-functioning-of-offenders). I particularly draw your attention to the matters set out in paragraphs 5 'Expert's duty to the Court' and 6 'Content of all expert reports'.

If case is in County Court Your report must comply with the enclosed [County Court Practice Note PNCR 1 - 2017 ‘Sentencing Hearings: Expert Reports on Mental Functioning of Offenders’](https://www.countycourt.vic.gov.au/files/documents/2018-08/pncr-1-2017-sentencing-hearings-expert-report-mental-functioning-offenders.pdf). I particularly draw your attention to the matters set out in paragraphs 5 'Expert's duty to the Court' and 6 'Content of all expert reports'.

If case is in Magistrates’ Court Your report should comply with the enclosed Supreme Court [Practice Note SC CR 7 ‘Sentencing hearings: Expert reports on mental functioning of an offender’](https://www.supremecourt.vic.gov.au/law-and-practice/practice-notes/sc-cr-7-expert-reports-on-mental-functioning-of-offenders). It represents best practice in relation to expert reports. I particularly draw your attention to the matters set out in paragraphs 5 'Expert's duty to the Court' and 6 'Content of all expert reports'.

**Issues to be addressed in the report**

Para 10 My client does not intend to rely upon a defence of mental impairment. Please contact me immediately, if you have concerns about my client’s capacity to consent to the assessment.

Para 11 Please state your opinion as to the following matters, so far as applicable:

* any psychological conditions my client has or had when the offending behaviour occurred, how long they have had the condition and whether the condition is of a temporary or permanent nature
* the nature, extent and effect of the condition experienced by my client at the time
* what, if any, is the relationship between my client's condition and the offending
* how the condition is likely to affect my client in the future
* whether the condition would be likely to affect adversely the ability of my client to cope with imprisonment
* whether the condition would be likely to deteriorate as a result of my client being imprisoned
* in relation to treatment currently or previously undertaken by my client:
  + what is the nature of the treatment
  + how effective has the treatment been to date and what progress has been made
* in relation to my client’s prospects of rehabilitation:
  + whether there are any implications of the condition(s) and prognosis for the risk of future offending and if so how these might best be managed
  + the risk of recidivism generally (expressed both as category of risk and by way of a comparison with other separate cohorts
* my client’s response to the offences and any psychological or (if applicable) cultural factors, relevant to remorse factors relevant to remorse
* Include if client is in immigration detention what is the relationship, if any, between the existence of my client’s condition and refugee-related experiences and/or the consequences of immigration detention
* Include if client is in immigration detention if relevant, what are the psychological consequences of the prospect of indefinite immigration detention and/or repatriation
* Include if client’s visa may be cancelled if relevant, what are the consequences of refusal/cancellation on minor children and immediate family
* list any other matters you want the psychologist to address in the report
* any other matters you consider relevant.

Enclosures

Para12 I enclose the following material to assist you: Delete if not enclosed. NOTE: The prosecution may request disclosure of some defence documents

* charges
* hand-up brief
* prosecution summary of offences
* recording of police interview
* transcript of police interview
* indictment
* prosecution opening
* depositions
* prior convictions
* victim impact statement(s)

Please note the following information may be requested by prosecution

* client’s personal history and background information
* client’s instructions about the offences
* previous psychological reports
* previous psychiatric reports
* medical reports
* character references.

**Details of the offences**

Para 13 [Set out information about the charges that the client is pleading guilty to and circumstances of the offences. List charges in chronological order, and not by Informant].

Please notify me immediately if my client gives a different version of events or indicates a different plea.

**Background information about the client**

Para 14 [personal information about client, such as family background, substance addiction, mental illness, intellectual disability, previous abuse suffered, future plans]

Para 15 **Prior convictions**

[details of priors inlcuding circumstances of offences and penalties]

Contact details

Para 16 I look forward to receiving your report. Please contact me on at my office on [lawyers's contact number] or mobile (lawyer’s mobile no. often the preferred contact method) if you want to discuss the matter.

Yours faithfully