

Court Report Writing Manual

Essential Summary

The Court Report Writing Manual has been developed to assist YJNSW employees to write clear, concise and appropriate reports for court and police.

The manual informs YJNSW employees of the correct style and language to be used, as well as the appropriate content to be included.

The manual is to be read alongside the *Court Communication Policy*, the related procedure and the *Department of Justice Writing Guide*.

Printed copies of this document may not be up to date.
Ensure you have the latest version before using this document.

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1 Writing Style

It can be difficult to write in the correct style for court. The report must have a formal tone, but also be easily understood by the young person and their parents or carer. This can be achieved by writing in plain English. Plain English means writing in a simple and clear way to ensure your message is understood.

The following tips can help you to write in the correct tone and in plain English:

- write short sentences and paragraphs
- write in active voice
- avoid jargon e.g. 'minimum standards' or 'cycle of change'
- do not use discriminatory language or colloquialisms e.g. 'druggie'
- do not use emotive language e.g. 'Robert's behaviour was appalling'
- avoid repetition
- avoid using technical or specialist terms without a clear explanation
- reference all sources of information correctly.

1.1 Writing in active voice

The correct tone can be achieved by using active voice in your report instead of passive voice.

Active voice makes clear who was responsible for what. In some circumstances passive voice is correct, but in general it can make sentences too long and vague. For example, "I discussed this with Jane" is active voice. Passive voice is: "It was discussed by me with Jane". Your decision to use active or passive language in a sentence should be determined by which provides the clearest message for your audience.

Writing in an active voice ensures that there is evidence for your statement, whereas a passive voice often relies on assumption.

For example, this sentence in the passive voice does not actually contain evidence: "It appears that Mark's pro-social thinking was quickly distracted by the potential financial gain that could occur."

This active sentence does: "Mark stated he was 'excited' that he could obtain cigarettes and money from the victim."

Examples for reports:

PASSIVE	ACTIVE
"It would appear that there is a family history of involvement in offending behaviour."	"Robert's parents both have a criminal history"
"It is also suggested that due to a number of deaths in the family since 2006 of close family members such as her grandparents and what Billy reports as significant parental figures that grief and loss counselling would be highly recommended to continue."	"I recommend that Billy continues to attend grief and loss counselling due to the deaths of several close family members and parental figures."

"It appears through conversations with Jane she understands the risk of drinking in the community."	"Jane stated that she understands the risks she faces when she drinks in the community."
"In relation to the aforementioned offences, it appears that these were dealt with by way of a community service order."	"Jake received a community service order for these offences"

1.2 Writing a factual and verifiable report

All information contained in a report for the court must be as factual and verifiable as possible. The reports must avoid speculation, summary of facts, opinion, hearsay, unsourced assertions and sweeping generalisations. Remember that you can be questioned in court regarding the contents of your report and you must be able to verify that all the information in the report is factual.

The following tips should help you to write factual and verifiable reports:

- All information must be identified as verified or unverified.
- Include in the sources of information section specific information regarding how you obtained the information, such as the date and nature of an interview, e.g. phone interview with Robert Smith on 31 January 2013.
- Unconfirmed/unverified information must be introduced with a statement, such as "Robert claimed/stated..." or must be referred to as 'alleged'. This includes allegations of domestic violence or undisclosed abuse.
- Be objective and avoid presenting your opinion. All information presented must be based on known information.
- Do not give the impression that you have expertise in an area outside of the scope of your role.
- Avoid broad statements such as 'the young person showed remorse' or 'the young person is honest/open/likeable'. These are difficult words to verify.
- If you need to use words such as 'indicate' or 'appears' in your report, they must include context. For example, 'Robert appeared to be under the influence of alcohol as demonstrated by his slurred speech and a strong smell of alcohol.'

1.3 Using people's names in a report

When referring to people within the 'sources of information' section of the report or as other professionals, their full name and position must be included in the report, e.g. Jane Smith, Robert's mother OR Matthew Jones, teacher at Sydney High School. Their full name must continue to be used throughout the report. The young person can be referred to by first name only.

A person's name should not be used when they are not relevant to the specific issues in the report. For example, a report can state that the young person has three siblings but does not need to name each sibling unless relevant to the content of the report. The name of the co-accused should not be included in the report.

Using personal pronouns, such as 'I', 'we' and 'you', can make a report clearer and follows the principles of Plain English. For example, "This author interviewed Jake on three occasions" would read "I interviewed Jake on three occasions".

1.4 Spelling and grammar

All reports must be checked for spelling and grammar before being submitted to your supervisor for approval. If you know the common spelling or grammar errors you make, you should check for these errors before sending the report to your supervisor. Reports must not be submitted to the court with any spelling errors or typos.

Common mistakes:

It's or its	'It's' = 'It is' or 'it has'. <i>"It's very hot today."</i>	Its = possession. <i>"The tree loses its leaves in autumn."</i>
Of or have	It is incorrect to say, 'could of', 'should of', 'would of'.	It is correct to say, 'could have', 'would have', 'should have'.
Affect or effect	Affect is a verb = to transform/change. <i>"The suspension affected his school attendance."</i>	Effect is a noun = a consequence/result. <i>"The crime had an effect on his life."</i>
There, their or they're	There = a place. <i>"The court is over there."</i> Their = possession. <i>"They ate their lunch."</i>	They're = they are. <i>"They're leaving tomorrow."</i>
You're or your	You're = you are. <i>"You're required to attend supervision."</i>	Your = possession. <i>"I will answer your questions."</i>
Too, to or two	Too = as well as or excess. <i>"I think so too" or "I ate too much."</i>	To is a preposition. It shows the relationship between at least two (2) words. <i>"Jake reported to his YJ caseworker."</i>
Practice or practise	Practice is a noun = preparation <i>"I need more practice."</i>	Practise is a verb = to prepare <i>"I should practise my writing."</i>
Practical or practicable	Practical = useful <i>"This manual is very practical."</i>	Practicable = feasible/possible <i>"His backup plan is practicable."</i>
Enquiry or inquiry	Enquiry = informal questioning <i>"I enquired about his family."</i>	Inquiry = formal investigation <i>"The commissioner released the report on the inquiry into the criminal justice system."</i>
Alternate or alternative	Alternate = to take turns <i>"The merge required the cars to alternate."</i>	Alternative = an option/choice <i>"I chose the alternative program."</i>
Principal or principle	Principal = main/chief	Principle = rule/theory/belief

	<i>“The judge outlined her principal concerns with the case.”</i>	<i>“The same principle applies to all bail hearings.”</i>
Incident or incidence	Incident = event/occurrence <i>“The police are investigating the incident.”</i>	Incidence = frequency/rate of occurrence <i>“The incidence of assault has decreased in NSW.”</i>
Elicit or illicit	Elicit = to obtain/extract (information) <i>“The magistrate was able to elicit the truth.”</i>	Illicit = illegal <i>“He was caught with illicit substances in his bag.”</i>
Averse or adverse	Averse = unwilling/strongly disinclined <i>“She was averse to attending supervision.”</i>	Adverse = harmful/unfavourable <i>“Drinking can have adverse effects on your health.”</i>

There are many other resources available online to assist you with common grammar errors. If you are unsure, look it up online.

2 Writing Background Reports and Update Reports

Background Reports must not be narrative recounts of the young person’s educational, family, or criminal offence.

A young person’s welfare or non-criminogenic needs must not be the primary focus of a *Background Report*. The focus must instead be on the offending behaviour, including what is required to minimise this behaviour and promote pro-social lifestyle choices and the factors contributing to the offence. All information must be relevant to the offence for which the report has been requested.

All reports must focus on factual and verifiable content that can be substantiated by the YJ caseworker in court.

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2.1 Need and Risk Factors

The young person’s dynamic need and risk factors related to offending must be clearly identified in the report. The *Background Report* must inform the court primarily about these dynamic need and risk factors which have influenced the young person to commit the current offence and must provide the court with strategies or plans that can address these factors and reduce the likelihood of future offending.

Dynamic risk and need factors are those that are potentially changeable with an appropriate intervention. Static risk factors are historical factors which are unchangeable.

2.2 Responsivity Factors

A young person's responsivity factors must also be identified. The responsivity factors provide insight into the young person's characteristics, such as their motivation, learning style and aptitude, and their capacity to respond to and benefit from interventions. It will also assist the YJNSW caseworker to adapt any intervention strategies to accommodate the young person, taking into consideration their age, gender, ethnicity, language, disability and mental health.

2.3 Protective Factors

Background Report must also identify the protective factors or strengths in a young person's life. A young person's protective factors can have a significant impact on their recidivism, despite their level of risk/need. Protective factors can significantly reduce the impact of risk factors and therefore must always be considered when preparing a background report.

Protective factors may include:

- The young person's competencies or temperament
- Family environment, dynamics, or relationships
- External supports
- Participation in pro-social activities or with pro-social peers
- Involvement in education or employment

3 Content of Court Reports

3.1 Specific Purpose Reports

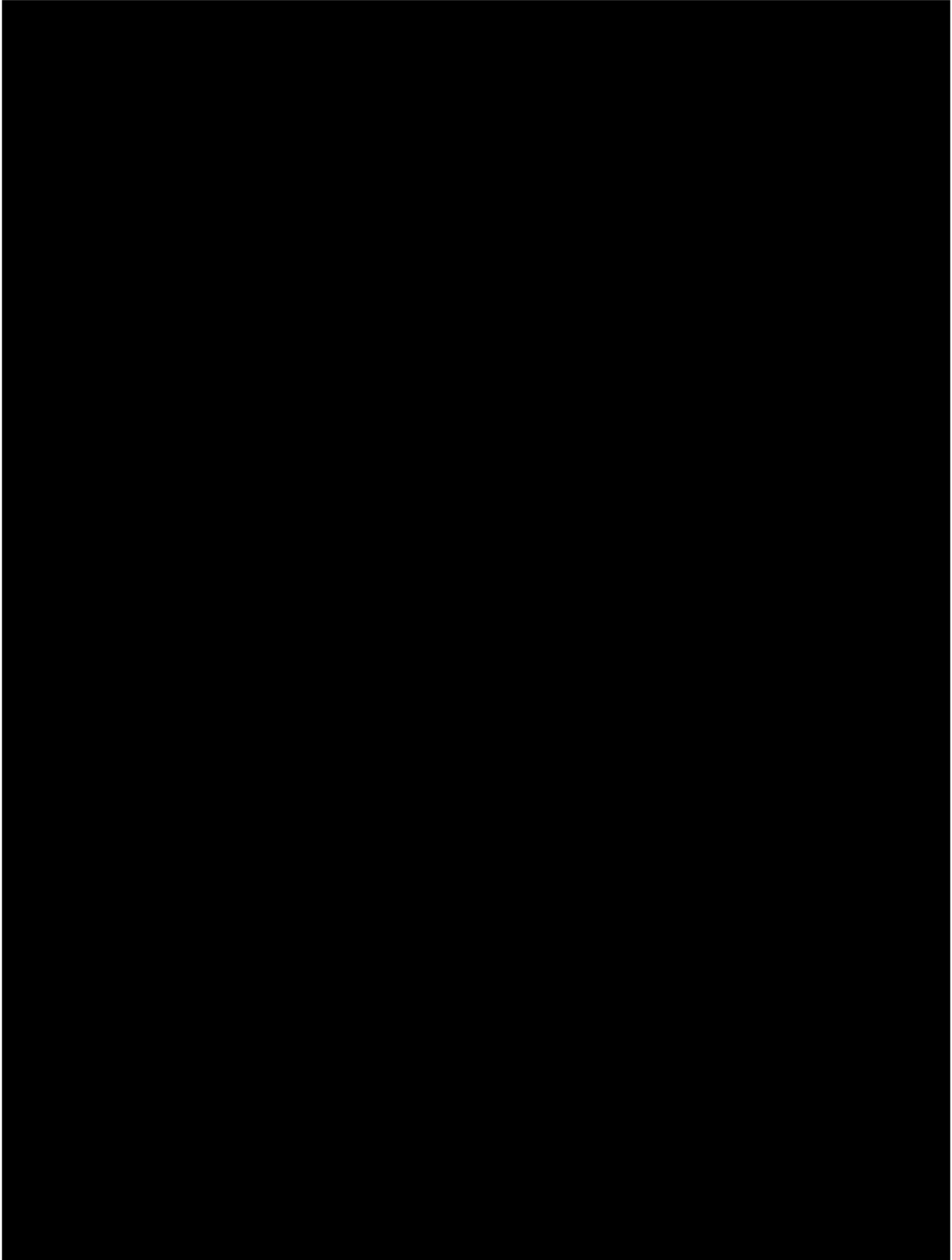
A *Specific Purpose Report* requested by the court should only address the information as requested by the court. The *Specific Purpose Report* is to include factual and verifiable information only and is not to include opinions. The *Specific Purpose Report* can also be initiated by YJNSW to communicate a specific issue without a formal request from the court, which could include:

- providing the court with detailed information regarding a specific query the Court has about a young person, OR
- to make submissions to the court in parole related matters when there are concerns about the young person's risk of reoffending and re-entry into the community prior to being released from custody on parole and YJNSW is recommending the parole be revoked prior to release, OR
- the young person has a parole review hearing and a new *Parole Jurisdiction Report* is not required, OR
- YJNSW is applying to the court to vary or revoke additional parole conditions.

3.2 Nil Reports

A report is ONLY a *Nil Report* if the caseworker is unable to contact the young person. ALL efforts must be made to contact the young person and should be documented – sending letters, phone calls, home visits etc.

If the young person is unable to interviewed, a paragraph must be included in the *Nil Report* that details the specific attempts made to interview the young person.



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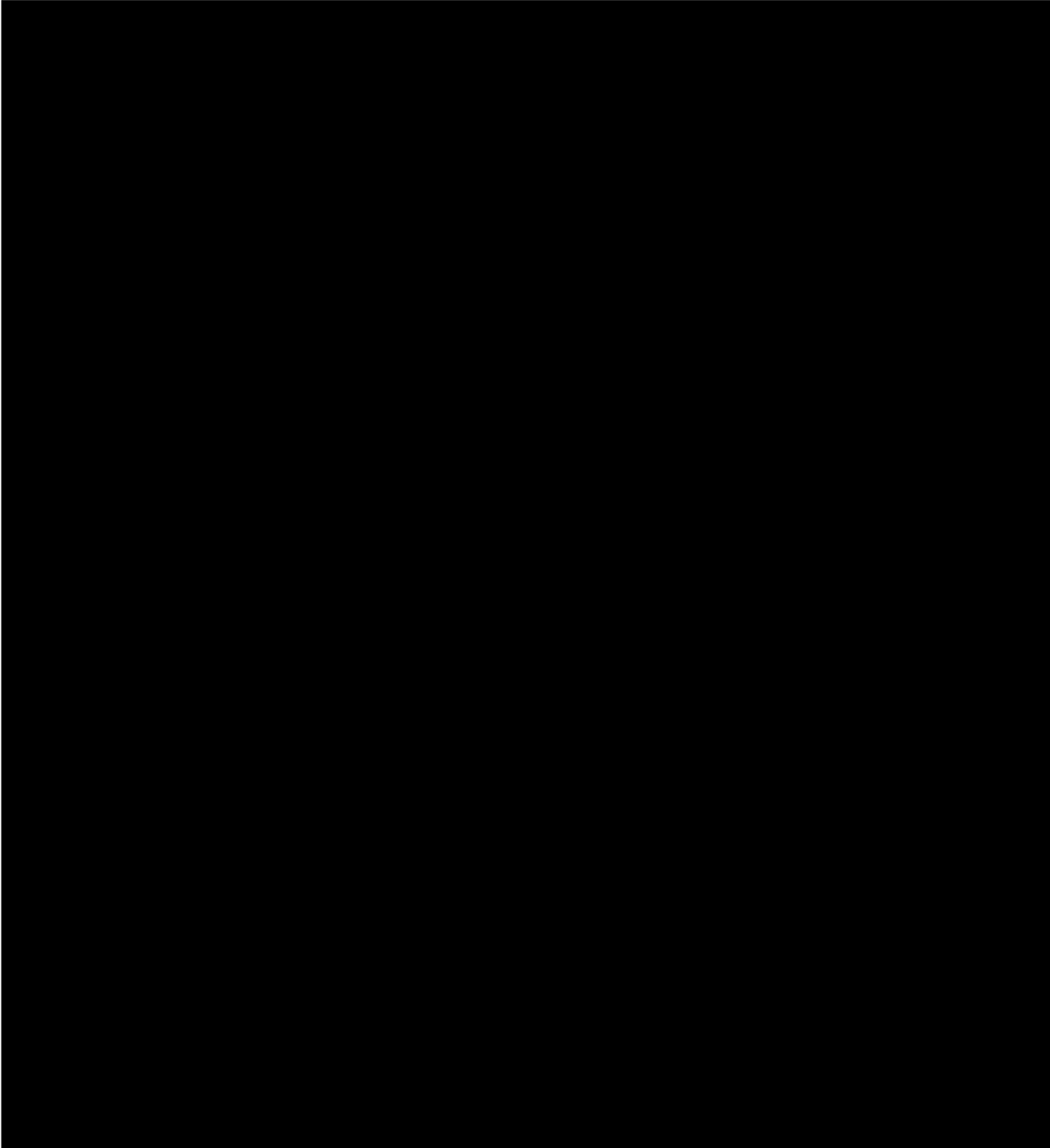
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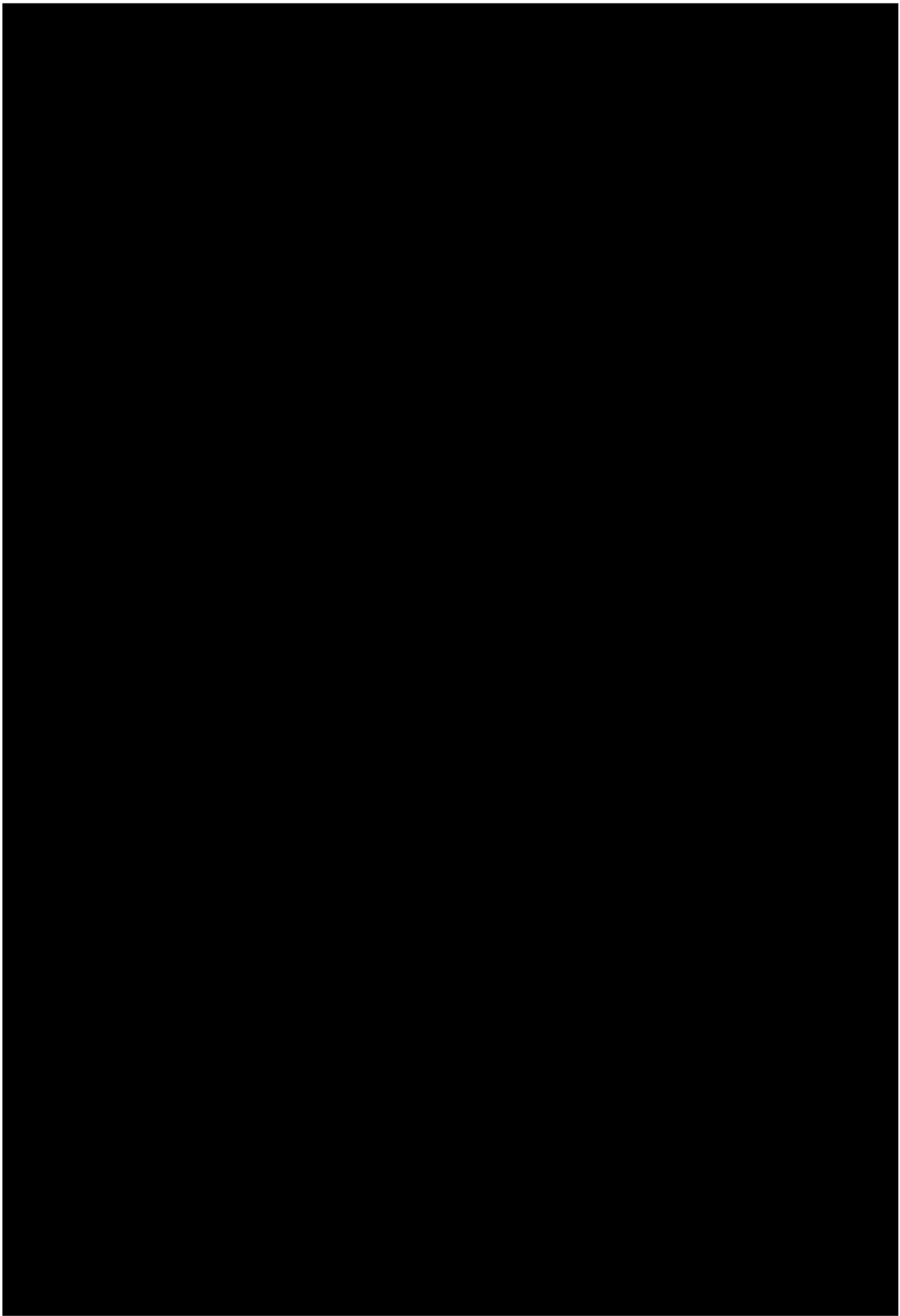
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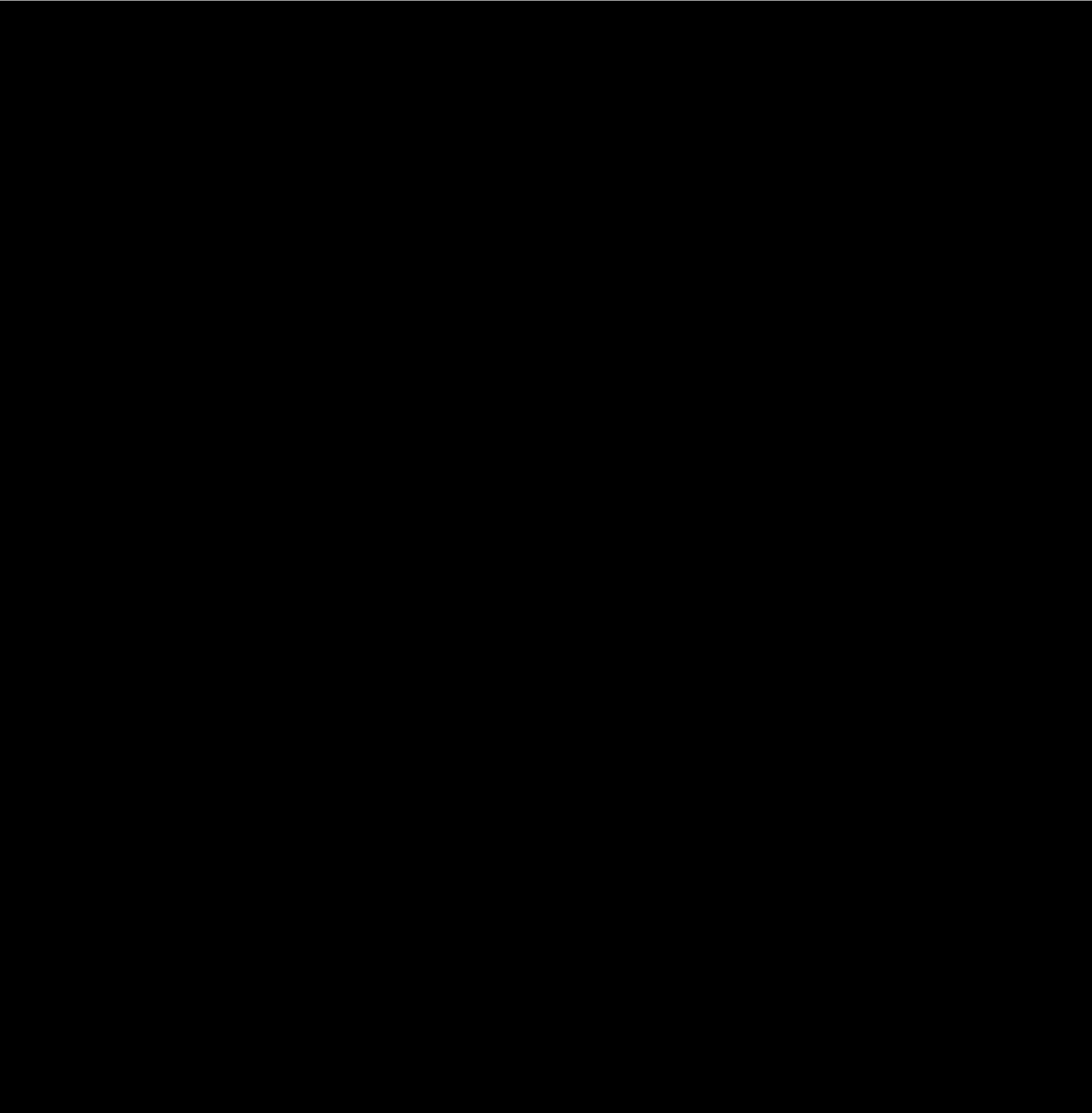
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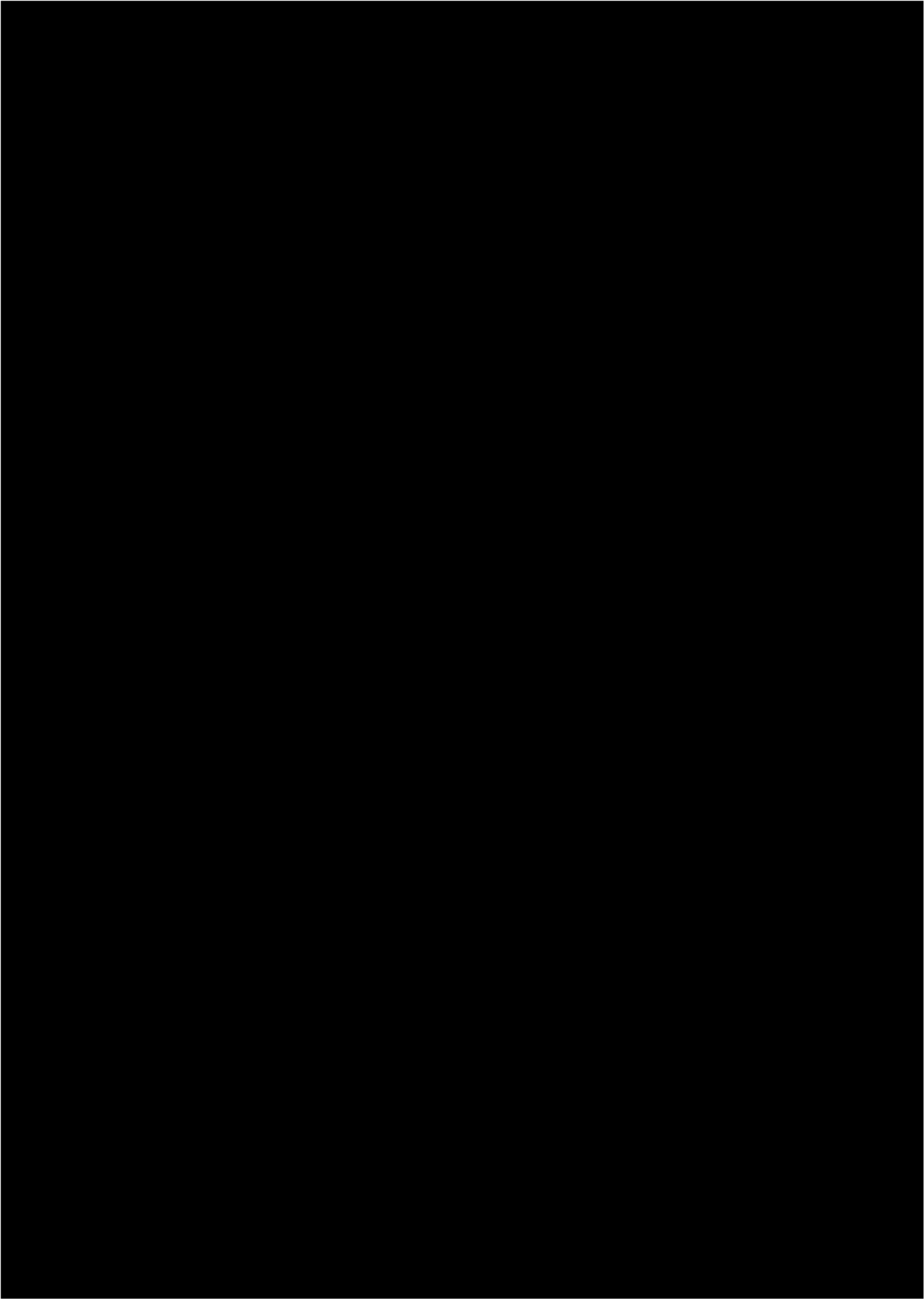
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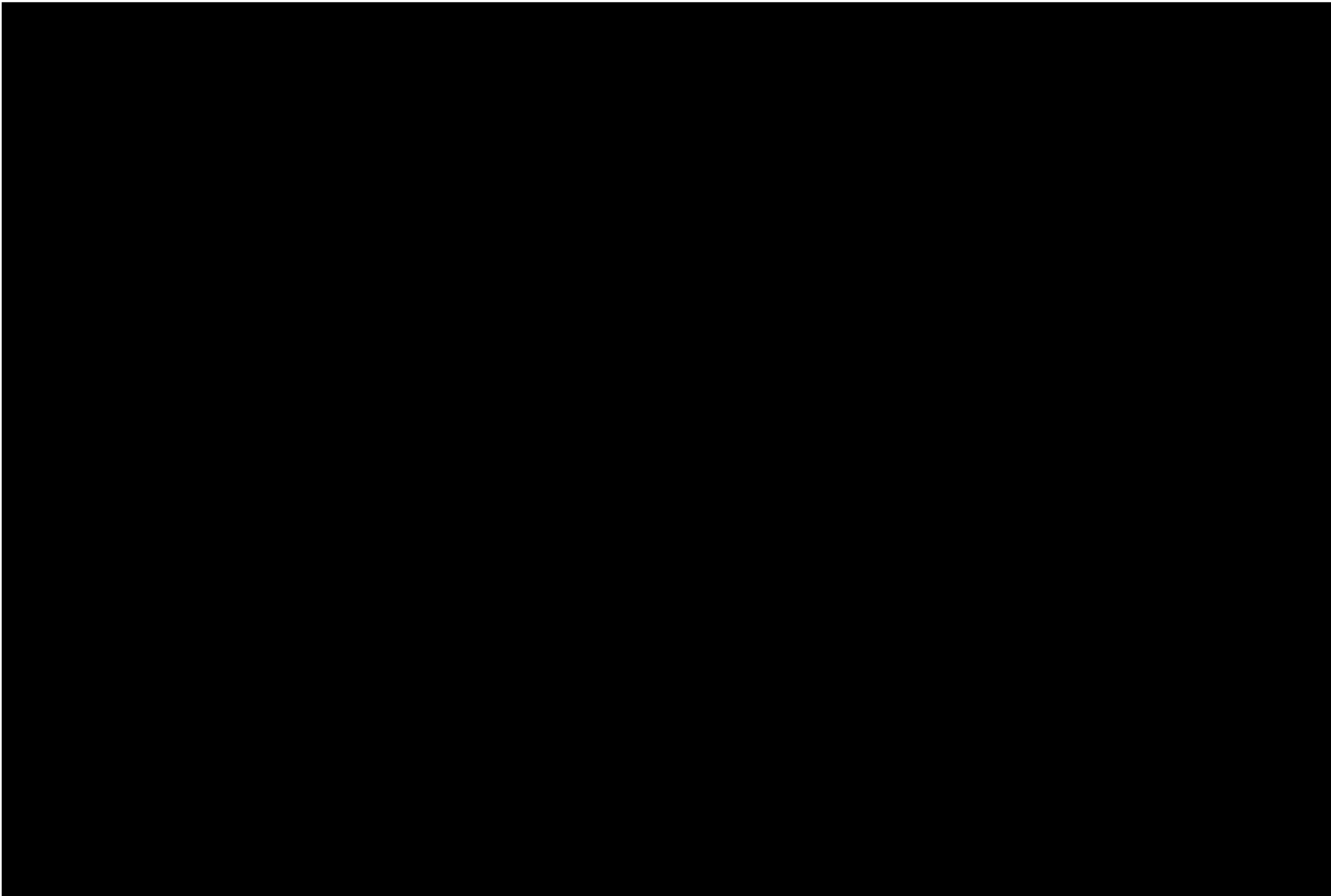
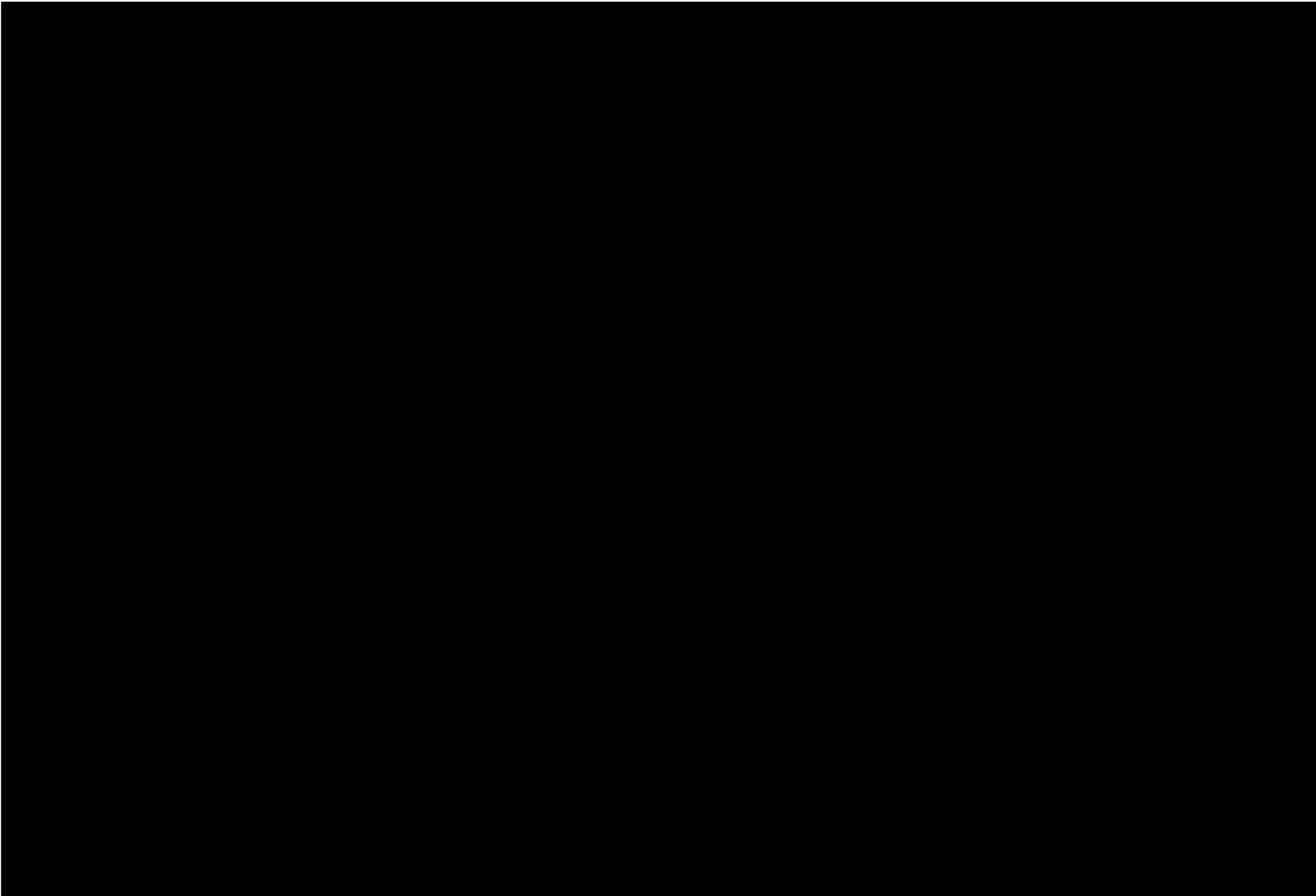
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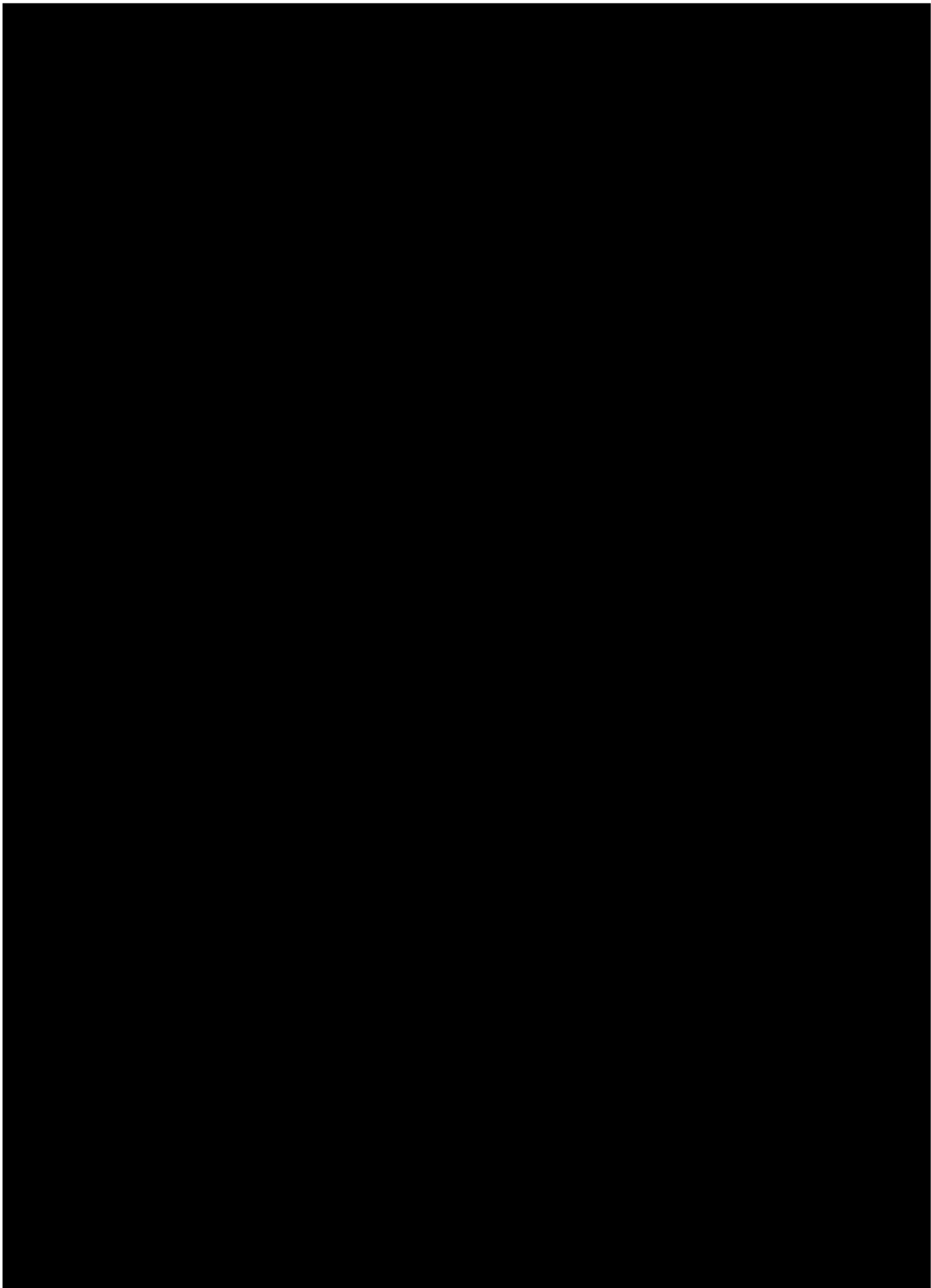


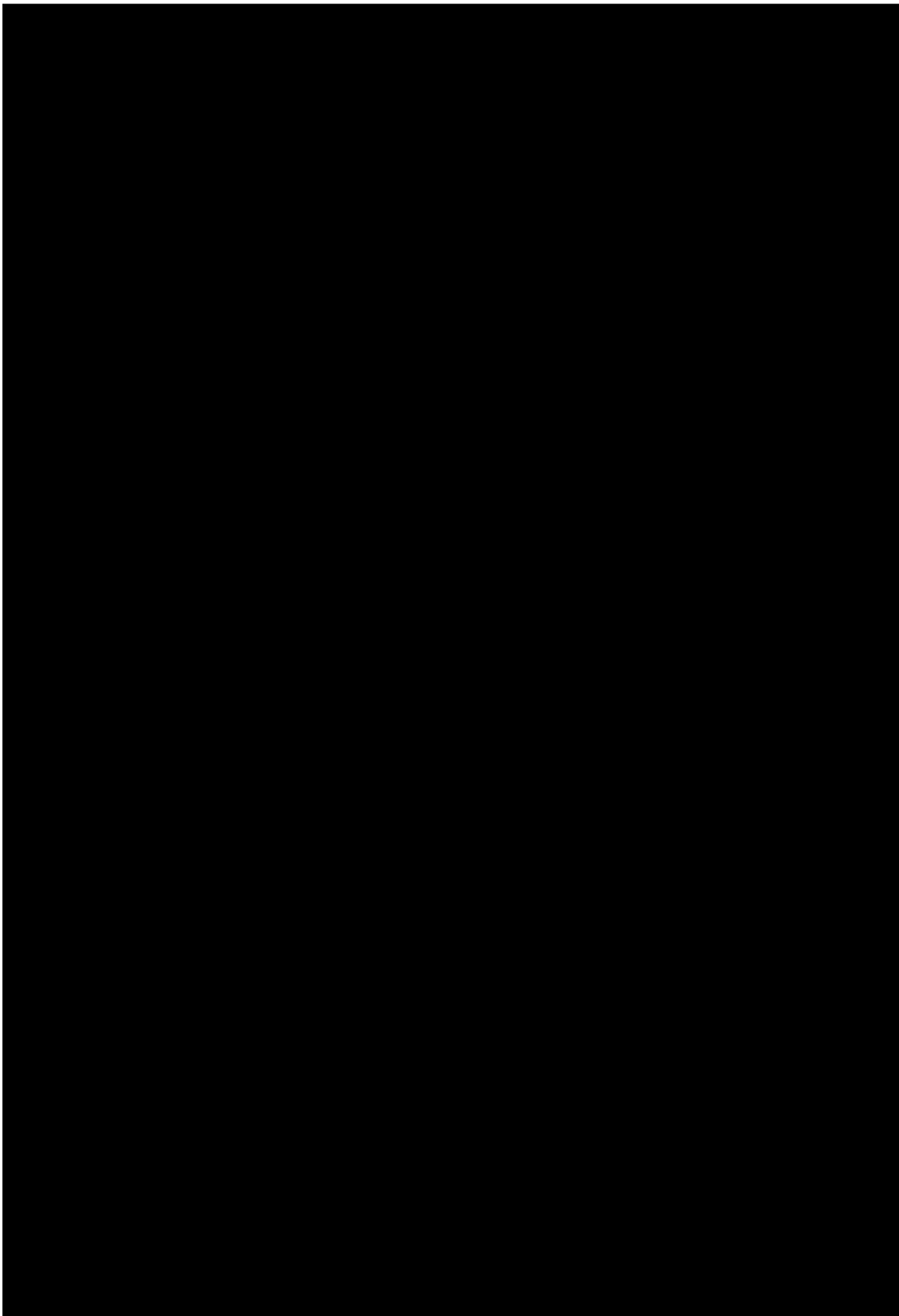


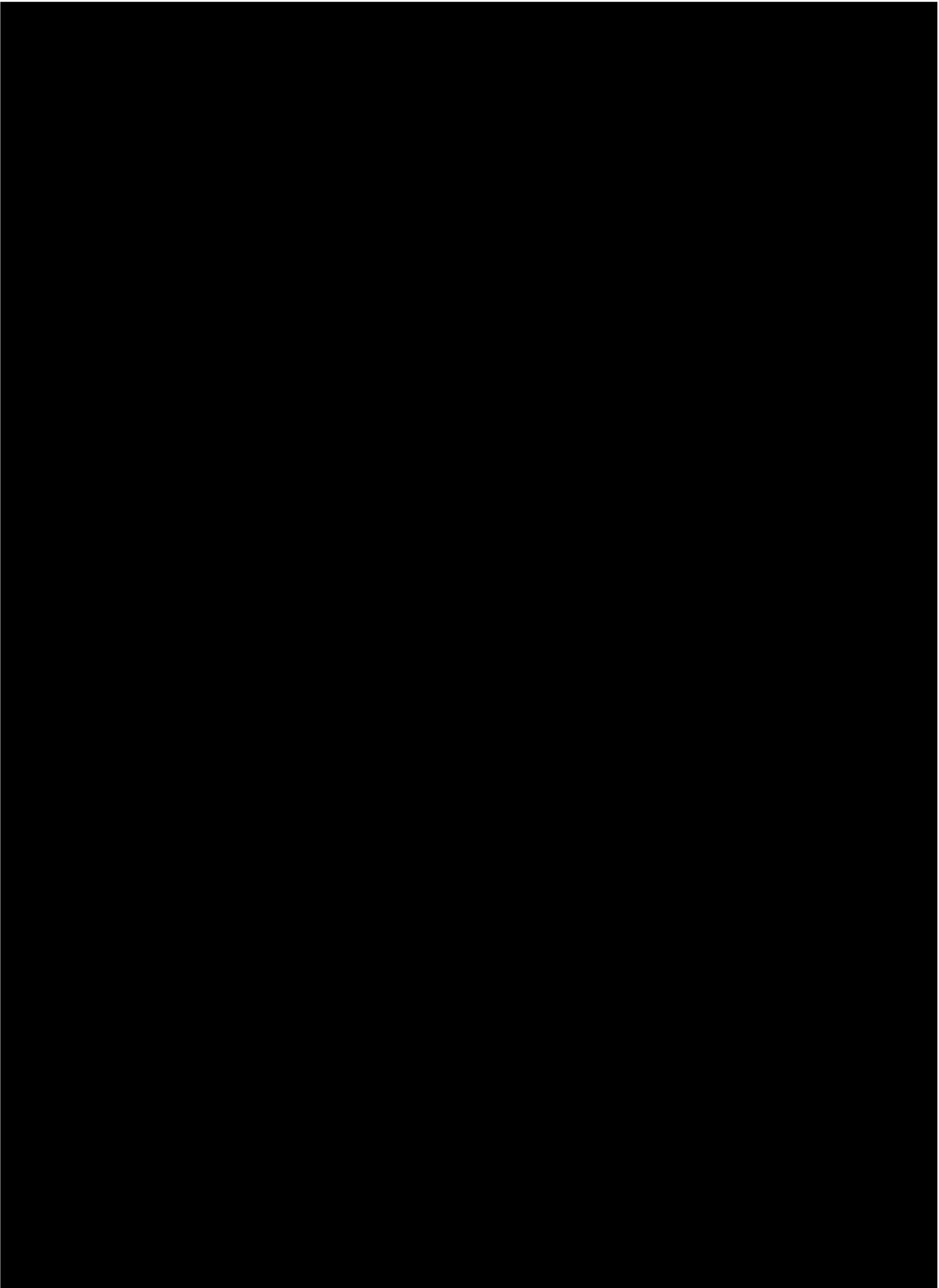


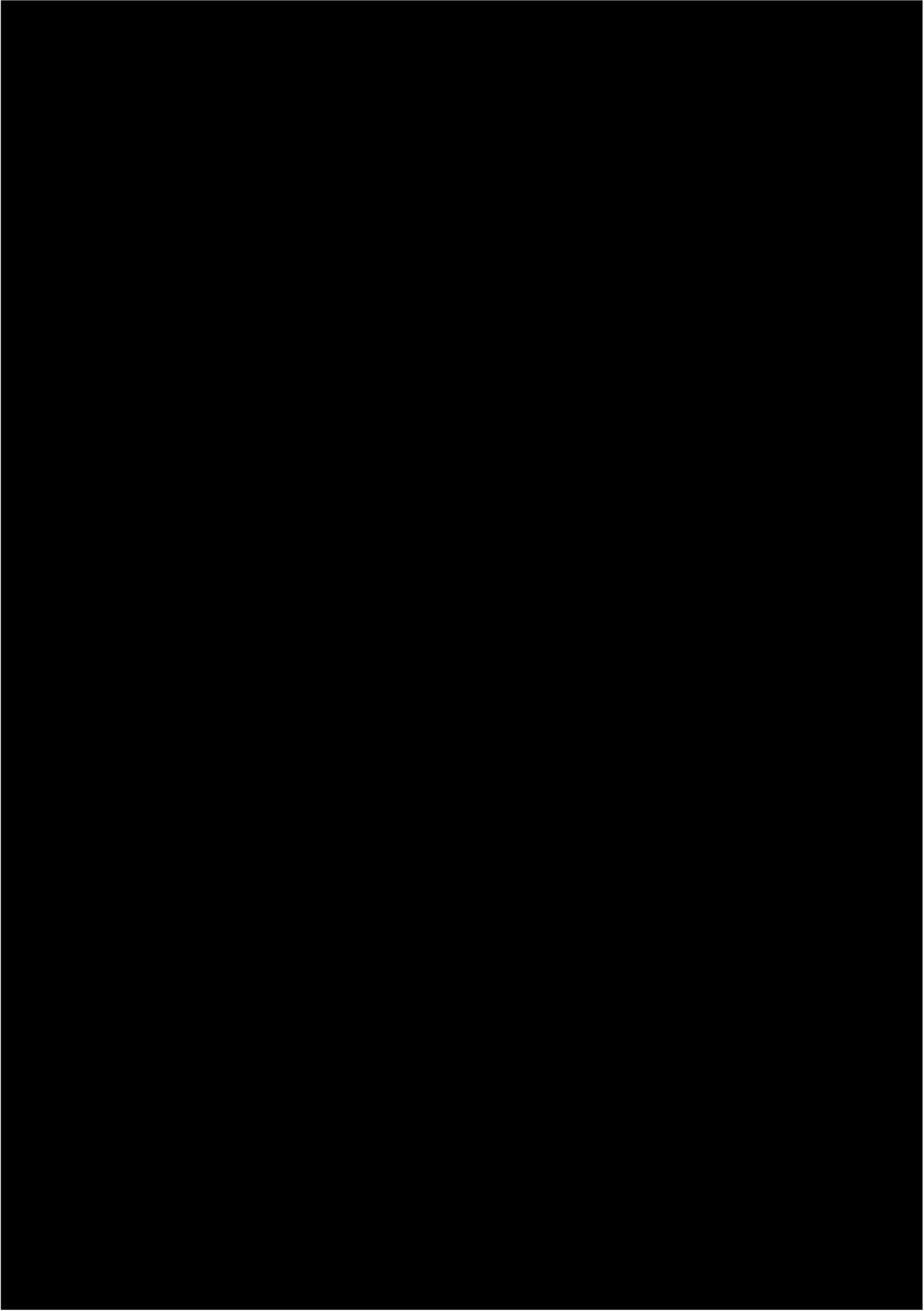


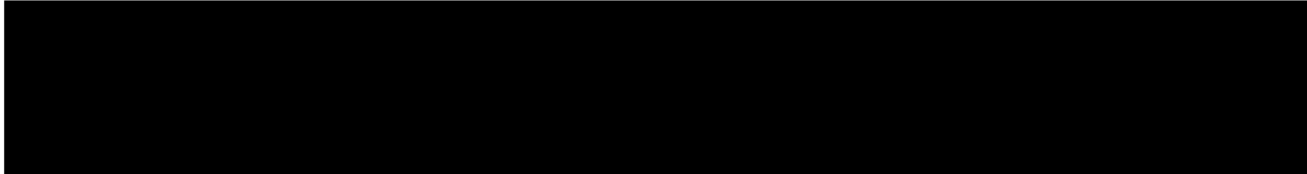
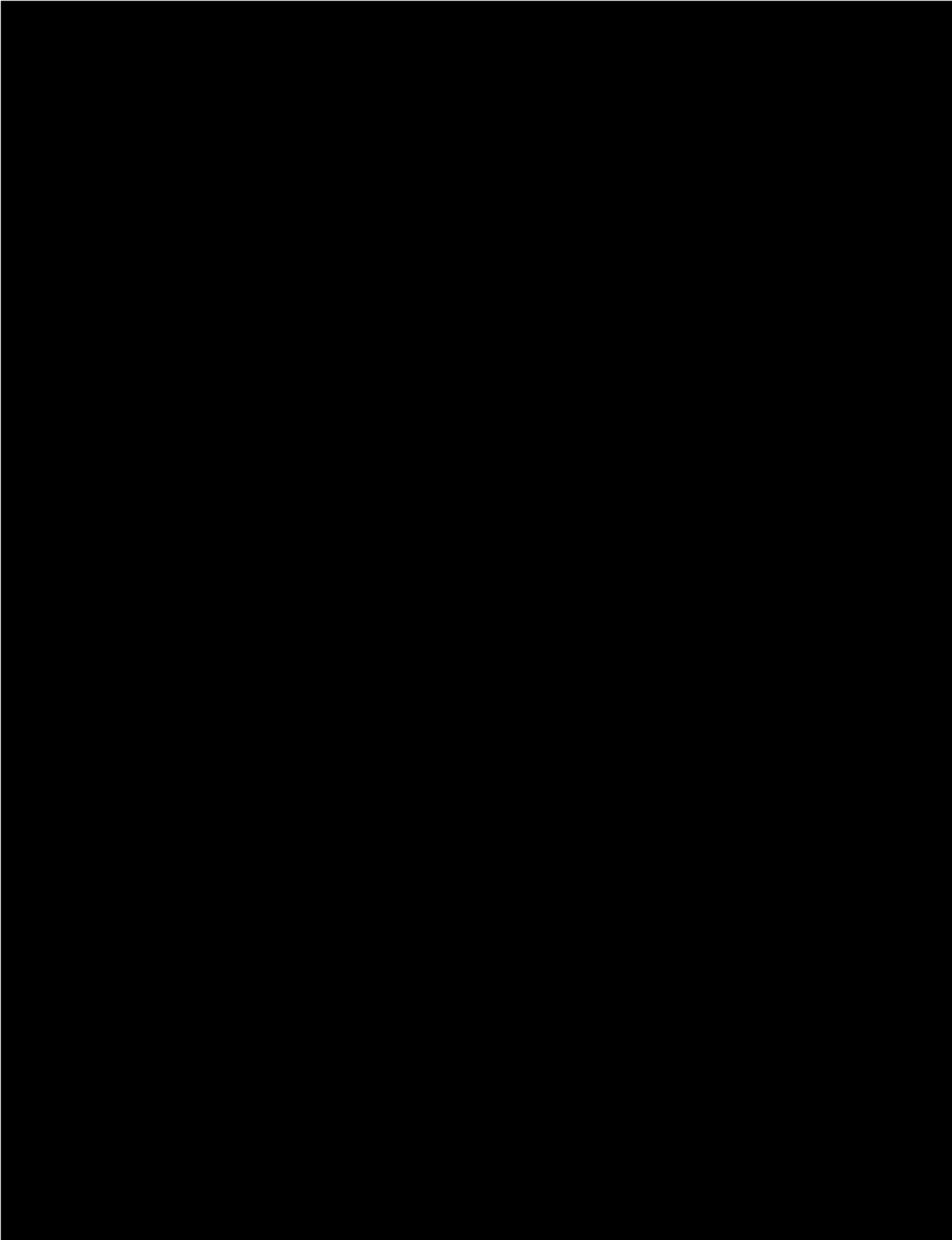


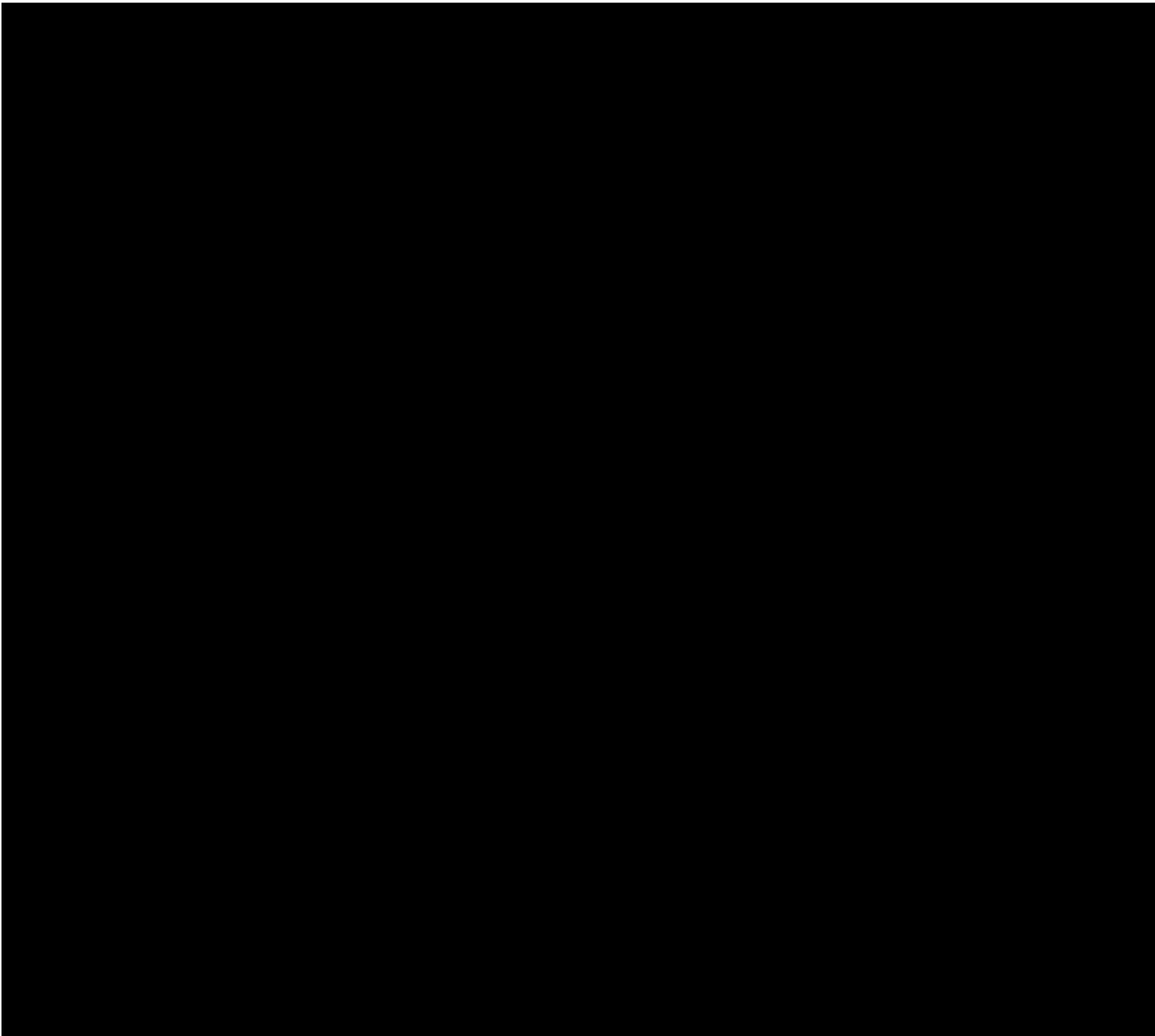












5 Document Information

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Author:	Project Officer
Approver:	Director, Operations Unit
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Key Words:	Background report, specific purpose, nil report, parole jurisdiction report, notification of alleged breach, application to revoke, breach of bail, Commonwealth Parole

6 Document History

Version	Date	Reason for Amendment
0.4	22/11/2021	<ul style="list-style-type: none">• Updated breach report section to complement CIMS parole breach report template update,• added section on Update Reports, Commonwealth parole breaches and implementation of new practices and parole breach processes.
0.3	23/04/2018	Breach reports section added due to the templates in CIMS being updated and renamed.
0.2	23/02/2018	Added section for parole jurisdiction reports due to legislative changes to parole