

# ENHANCED PRE-SENTENCING REPORTS (EPSR)

## FACT SHEET

### Overview

Clinical social workers prepare enhanced pre-sentencing reports (ESPRs) as an overview of a person's personal background and recommend culturally appropriate, community-based rehabilitation programs that are presented to judges and parole boards for consideration during sentencing.

These reports provide an individual's personal history while providing data about the impact of anti-Black racism.

### Benefits

1. **Racial Context:** Provides extensive research and data regarding the overrepresentation of Black Canadians in the practices of local police and jails, while outlining systemic racism and discrimination when sentencing Black offenders.
2. **Social History:** By providing one's social history such as struggles in one's upbringing, education, or quality of life, it outlines to the court personal circumstances that should be considered in regard to sentencing. This point is outlined as a reference to the Criminal Code that requires judges to consider sanctions other than imprisonment to address overrepresentation within the incarceration system.
3. **Alternative sentencing:** By conducting interviews with the offender, family members, and close friends, EPSRs provide recommendations on programs and services that could help an offender's rehabilitation. Possibly providing an alternative to incarceration.



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### **Enhanced Pre-Sentence Reports (EPSRs) vs. Pre-Sentence Reports (PSRs)**

While EPSRs are created by clinical social workers, PSRs are prepared by probation officers at the behest of a judge to also aid in sentencing. A probation officer will interview the offender, their family, friends and employer if they have a job. An EPSR will also contain this information as well as hardships in one's life, and would typically include alternatives to incarceration including programs and other supports to aid in an offender's rehabilitation.

### **Gladue Report**

A Gladue Report works as a basis for how EPSRs can be used in the context of sentencing for African Canadians but should not be relied on as its sole foundation. EPSRs work similarly to Gladue reports as they reference community connections and include relevant documentation in support of a sentencing decision. The Criminal Code emphasizes that all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.

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The Sentencing and Parole Project. (n.d.). Enhanced pre-sentence report (EPSR). Sentencing and Parole Project. Retrieved July 20, 2022, from

<https://sentencingproject.ca/enhanced-pre-sentence-reports>

- Provides EPSR services

Written on Behalf of Barrison Law. (2020, August 25). Requesting enhanced pre-sentencing reports: R. V. Morris appeal. Barrison Law. Retrieved July 20, 2022, from

<https://criminallawoshawa.com/requesting-enhanced-pre-sentencing-reports-r-v-morris-appeal/>

- Example of the usage of EPSRs

Huncar, A. (2021, March 24). How systemic racism is factoring into sentences for Black Albertans | CBC News. CBCnews. Retrieved July 20, 2022, from

<https://www.cbc.ca/news/canada/edmonton/black-indigenous-offenders-gladue-enhanced-pre-sentence-reports-1.5951638>

- Example of the usage of EPSR reports

Westoll, N. (2020, June 13). Ontario non-profit tackling racism in the justice system through education, Enhanced Reporting. Global News. Retrieved July 20, 2022, from

<https://globalnews.ca/news/7061693/sentencing-parole-project-anti-racism/>

- Example of the usage of EPSR reports



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Legal Aid Ontario. (n.d.). What is a pre-sentence report (PSR)? Legal Aid Ontario. Retrieved July 20, 2022, from <https://www.legalaid.on.ca/faq/what-is-a-pre-sentence-report-psr>

- Definition of a PSR

Sentencing and Parole Project. (n.d.). Services 4. Sentencing and Parole Project. Retrieved July 20, 2022, from <https://sentencingproject.ca/cases>

- Cases that reference usage of EPSRs

Gladue Principles. Gladue principles | Aboriginal Legal Aid in BC. (n.d.). Retrieved July 20, 2022, from <https://aboriginal.legalaid.bc.ca/courts-criminal-cases/gladue-rights#:~:text=A%20Gladue%20report%20is%20a,experiences%20as%20an%20Indigenous%20person.>

- Definition of a Gladue Report



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