
D Justice preface

Justice services are concerned with ensuring a safe society, enhancing civil order and security, and upholding the rule of law. They involve the provision of advice and education on civic matters, crime detection and prevention, law enforcement, judicial processes and dispute resolution, offender containment and rehabilitation services. They also include both preventing breaches of the law and mitigating the effect of any breaches that do occur.

The focus of this Report is on the justice services of police, court administration and corrective services. However, other government services also contribute to justice outcomes, for example:

- legal aid services improve access to the justice system (both civil and criminal);
- alternative dispute resolution services provide conciliation and mediation services to prevent disputes from escalating;
- crimes compensation services and victim support services assist victims' recovery from crime;
- prosecution services bring actions on behalf of the community in criminal actions; and
- various social services and community organisations together assist prisoners released from prison to reintegrate into society.

This preface addresses the interactions between police, court administration and corrective services, focusing on the criminal justice system. The administration of civil justice is an important aspect of justice services, but it does not greatly interact with the criminal justice system and is more appropriately dealt with in the court administration chapter (see chapter 7).

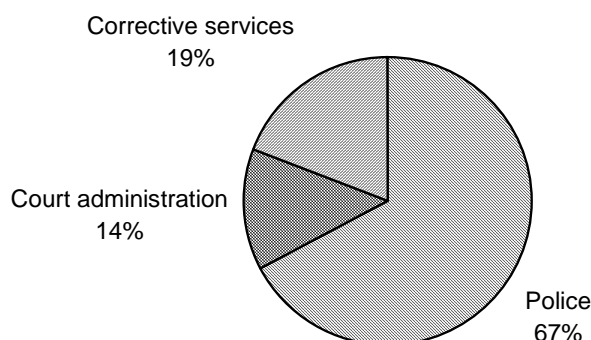
Profile of the justice sector

The justice section of this Report covers total government recurrent expenditure of approximately \$5.6 billion in 1997-98 (figure D.1). Police services accounted for approximately 67 per cent of total justice related expenditure. (Police agencies in some jurisdictions [for example, Tasmania and the NT] have additional responsibilities for emergency services; emergency management is discussed in

chapter 9). Corrective services accounted for 19 per cent and court administration accounted for the remaining 14 per cent.

Some smaller, but still important, elements of these service areas are excluded from this Report: the police chapter does not cover the National Crime Authority and the federal functions of the Australian Federal Police; the court administration chapter does not cover the operations of tribunals and registries (except for probate and court registries); and the corrective services chapter does not cover the juvenile detention and supervision system.

Figure D.1 **Composition of government expenditure on justice, 1997-98^a**



^a Relates only to justice areas covered in this Report.

Data sources: tables 6A.1–6A.8, 7A.4 and 8A.6.

Interactions within the justice system

The justice system involves many independent agencies, all of which contribute to broad justice objectives. The agencies interact in many ways, with the specific objectives of one agency (and the effectiveness and efficiency with which it pursues them) affecting the operations of other agencies. As individuals pass through the criminal justice system, they interact in succession with police, courts and corrections; this is exemplified by the following interactions in the criminal justice system:

- the police service affects the judicial system — for example, the demand for judicial services;

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- the judicial system affects the correctional system — for example, the entry of prisoners into the correctional system and the nature of the correctional sanction;
 - the correctional system affects the police service — for example, offences in prison or escapes from prison; and
 - many parts of the justice system, as well as influences such as economic conditions, affect recidivism rates.

Policy directions in the justice system

The provision of services by the justice system is continuously evolving. One area of current interest is the interaction of indigenous people with the justice system.

The justice sector and indigenous people

The information available on the interaction of indigenous people with the justice sector is limited. It is not currently possible to identify charges against indigenous people or their convictions. However, deaths of indigenous people in police custody (see chapter 6), imprisonment rates and deaths in prison custody (see chapter 8) are reported.

The National Centre for Crime and Justice Statistics, in conjunction with the National Aboriginal and Torres Strait Islander Statistics unit, is placing greater priority on developing and implementing national standards for indigenous identification in crime, courts and corrections statistical collections. The first step will involve a survey of existing administrative collections.

Objectives of the justice system

The justice system is broad and complex, with many interrelated objectives. An overarching objective is to ensure community access to a fair system of justice that protects the rights of individuals and is responsive to community needs. The justice system's performance can be reported in terms of its effectiveness and the efficiency with which it manages its resources — that is, what inputs are required to produce its outcomes.

This preface provides a context in which to examine broad system outcomes and to incorporate information about the justice system that falls outside the scope of individual justice services — for example, recidivism.

Broad system outcomes

Effectiveness

An effective system of justice reduces the incidence and consequences of civil disputes and crimes by encouraging an awareness of rights and obligations, and by providing diversionary mechanisms to prevent the escalation of disputes.

Perceptions of safety

Public perceptions of safety indicate the success of the justice system in ensuring that the public feel safe (both personally and regarding their property). Public perceptions of safety are reported in detail in chapter 6.

Incidence of crime

An indicator of the success of crime prevention and law enforcement is the recorded rate of crime. However, recorded rates of crime can be influenced by general willingness to report crimes to police. Another indicator of crime rates is to survey individuals about their experience of crime; this may help distinguish changes in crime rates from changes in willingness to report. Recorded rates of crime and information from crime victimisation surveys are reported in chapter 6.

Perceptions of the justice system

Public opinion of the integrity, accessibility, fairness and appropriateness of the justice system would provide a subjective indicator of the performance of the system. Public perceptions of crime, sentencing and imprisonment rates, compared with the actual rates, would illustrate community awareness of the justice system. Chapter 6 reports on public perceptions of the police.

Outcomes of investigations and prosecutions

Information on the outcomes of investigations and prosecutions indicate the success of the police and prosecution services in dealing with crime. The police chapter (see chapter 6) reports on outcomes of investigations. Data are not currently available for outcomes of prosecutions.

Reparation and rehabilitation

The justice system aims to assist recovery from crime by assisting victims and rehabilitating offenders. Crimes compensation and victims' services assist victims of crime. Courts and corrective services encourage reparation by offenders and their rehabilitation. Reparation may be indicated by prisoners involved in work generating income from prison industries or offsetting expenditure through work in prison services. Offenders in community corrections provide reparation through serving court orders with community work components (see chapter 8).

Related areas of justice currently outside the scope of the Report

Some related areas of justice are outside the scope of the Report, but affect the effective delivery of justice services. Minimising the escalation of disputes promotes community accord, and the diversion of disputes from the courts can save time and money. This can be pursued by encouraging the resolution of disputes through non-court processes or non-traditional mechanisms, including 'formalised' alternative dispute resolution, negotiated settlements and electronic courts.

Crimes compensation services attempt to help assist victims of crime by providing compensation for injury or death resulting from a crime. Offenders may be required to refund all or part of such an award of compensation.

Recidivism

Recidivism — the extent to which persons passing through the criminal justice system re-offend — is an indicator of the performance of the overall justice system in improving public safety by reducing the incidence of crime. It is calculated here in terms of a return to corrective services only, which is only a partial indicator that:

- does not include arrests that do not proceed to a court conviction (for example, restitution or police caution);
- does not include re-offence convictions that lead to outcomes that are not administered by corrective services (for example, fines and bonds);
- is not weighted to account for the nature of the re-offence (for example, a return to prison for fine default is counted in the same manner as a return for armed robbery); and
- does not include a corrections sanction for a repeat offender who has previously been sentenced to only non-corrections sanctions.

Given that return to corrections is adopted as a measure of recidivism, the preferred indicator of recidivism is the return to any form of correctional services supervision within two years of release from prison (for prison recidivism) or within two years of completing a community corrections order or program (for community corrections). However, not all jurisdictions were able to report on this definition in 1997-98. Therefore, additional information on return by prisoners to prison and by offenders in community corrections to community corrections was reported, to allow some comparisons for those jurisdictions that were unable to report on corrections overall (table D.1).

Tasmania reported the lowest rate of return to prisons by prisoners in 1997-98 (23.0 per cent) and WA reported the highest (37.0 per cent). Data were not available for the NT. Of the four jurisdictions able to provide data on prisoner returns to corrections as a whole, Queensland reported the lowest rate (32.9 per cent) and SA reported the highest rate (40.9 per cent). The ACT does not report on this indicator because it relates to only sentenced prisoners, so does not apply to the remand prisoners held in the ACT facility. ACT sentenced prisoners are included within NSW figures.

Only five jurisdictions reported on return to corrections by community corrections offenders on either of the two methods of reporting on recidivism. The NT reported the lowest rate at 12.2 per cent.

Table D.1 Recidivism — proportion of prisoners/offenders returning to corrections within two years of release or order completion, 1997-98 (per cent)

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>
Prisoners returning to corrections	na	36.0	32.9	na	40.9	na	..	35.3
Prisoners returning to prisons only	35.1	27.6	25.8	37.0	29.4	23.0	..	na
Community corrections offenders returning to corrections	na	na	12.9	na	35.1	na	14.8	12.2
Community corrections offenders returning to community corrections only	na	na	6.7	25.6	29.6	na	na	na

na Not available. .. Not applicable.

Sources: State and Territory Governments.

Efficiency

Justice system efficiency is reflected in how efficiently resources are used to deliver justice services. Unit cost indicators for individual justice services are presented in the chapters, but it is important to note that some justice system outcomes result from interactions between the individual services. One indicator of the efficiency of the justice system is government expenditure on justice services per person. However, comparisons of unit costs should account for conflicting objectives and tradeoffs between cost and quality, and should be viewed in the context of the suite of effectiveness indicators in each chapter.

Table D.2 **Government expenditure on justice services per person, 1997-98**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>
Police	261.46	262.76	223.29	295.77	264.74	275.15	249.48	649.33
Court administration	45.61	29.74	40.33	53.31	47.14	28.34	52.11	109.55
Corrective services	83.24	43.31	74.70	104.81	82.62	49.80	54.44	305.80
Total	390.31	335.81	338.32	453.89	394.51	353.26	356.03	1 067.75

Source: State and Territory Governments.

