
D Justice preface

Justice services are concerned with ensuring a safe society by enhancing public order and security and upholding the rule of law. This involves crime prevention, detection and investigation, judicial processes and dispute resolution, prisoner and offender management, and rehabilitation services.

The focus of this Report is on the justice services of police, court administration and adult corrective services. Other government services not included in this chapter also contribute to civil and criminal justice outcomes, for example:

- legal aid services provide access to both criminal and civil aspects of the justice system;
- alternative dispute resolution services, such as conciliation and mediation, help to resolve disputes;
- offices of fair trading operate to minimise the incidence of unlawful trade practices;
- 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 in combination help prisoners released from prison reintegrate into society, support families of prisoners during the prisoner's incarceration, and assist people who have contact with the criminal justice system.

This preface focuses on the activities of police, courts administration and corrective services. Both police and courts administration services undertake activities not related to criminal justice. Police, for example, ensure public order during major sporting events and court administration services deal with civil justice matters.

Profile of the justice system

Total recurrent expenditure for that part of the justice system covered in this Report was over \$6.4 billion in 1999-2000 (table D.1). This represents approximately

10 per cent of all expenditure on services covered in the Report. Police services accounted for approximately \$4.2 billion in 1999-2000, corrective services accounted for \$1.3 billion and criminal courts administration accounted for \$388 million. Total expenditure on civil justice was approximately \$479 million, although this estimate excludes a significant proportion of the non-courts administration of the civil justice system.

Table D.1 Expenditure on justice by all Australian governments (1999-2000 dollars)^{a, b}

	1995-96	1996-97	1997-98	1998-99	1999-2000	Rate of growth
	\$m	\$m	\$m	\$m	\$m	%
Police services	3498	3645	3688	4036	4197	7.6
Court admin. – criminal	351	337	363	389	388	4.0
Court admin. – civil ^c	364	418	420	456	479	11.6
Corrective services ^{d, e}	1021	1096	1085	1193	1345	11.7
Total justice system	5235	5495	5555	6074	6409	8.4
	%	%	%	%	%	
Police services	67	66	66	66	66	..
Court admin. – criminal	7	6	7	6	6	..
Court admin. – civil	7	8	8	8	7	..
Corrective services	20	20	20	20	21	..
Total justice system	100	100	100	100	100	..

^a Totals may not sum as a result of rounding. ^b Defined as recurrent expenditure plus depreciation less revenue from own sources. Excludes capital expenditure and estimates of the user cost of capital. Payroll tax has not been included for WA and the ACT as they are exempt. For all other jurisdictions it has been included. ^c Excludes the cost of probate hearings. ^d The expenditure on corrective services includes the cost of prisoner transport and escort services. For all years, the expenditure on corrective services is the same as that reported in the corresponding Report on Government Services. ^e Excludes WA community corrections expenditure during 1996-97. NT prison and community corrections did not deduct revenue from own sources between 1995-96 and 1996-97. .. Not applicable.

Source: State and Territory governments (unpublished); ABS 2000 (*Estimated Resident Population of Australia – States and Territories*, cat. no. 3201.0); ABS 1999 (*Australian Demographic statistics*, cat. no. 3101.0).

Expenditure between 1995-96 and 1999-2000 grew fastest in real terms for the correctional services (at an annual average of 11.7 per cent), and most slowly for criminal courts administration (at an annual average of 4.0 per cent).

Expenditure per person on civil and criminal justice in 1999-2000 was lowest in Tasmania (\$280) and highest in the NT (\$774). Expenditure per person was lowest for police services in Queensland (\$203) and highest in the NT (\$488). In criminal courts administration the lowest expenditure per person was by Victoria (\$14) and the highest was in the NT (\$56). Victoria also had the lowest expenditure per person on corrective services (\$42) and NT the highest (\$176) (table D.2).

**Table D.2 Government expenditure on justice, per capita
(1999-2000 dollars)^{a, b, c, d}**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust</i>
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Police services	217	221	203	236	206	207	211	488	219
Court admin. – criminal	21	14	21	23	25	17	21	56	20
Court admin. – civil ^e	16	11	10	28	18	8	25	54	25
Corrective services	79	42	72	98	74	47	58	176	70
Total justice system	334	288	306	385	324	280	315	774	334
	%	%	%	%	%	%	%	%	%
Police services	65	77	66	61	64	74	72	63	66
Court admin. – criminal	6	5	7	6	8	6	4	7	6
Court admin. – civil ^e	5	4	3	8	6	3	4	7	7
Corrective services	24	15	24	25	23	17	20	23	21
Total justice system	100								

^a Defined as recurrent expenditure plus depreciation less revenue from own sources. Excludes capital expenditure and estimates of the user cost of capital. Payroll tax has not been included for WA and the ACT as they are exempt. For all other jurisdictions it has been included. ^b Population estimated at 30 June 2000. ^c Totals may not sum as a result of rounding. ^d Includes expenditure on the Family Court of Australia and the High Court, which are not attributed to jurisdiction expenditure. ^e Excludes cost of probate hearings.

Source: State and Territory governments (unpublished); ABS 2000 (*Estimated Resident Population of Australia – States and Territories*, cat. no. 3201.0).

Some smaller elements of justice services are excluded from table D.2 and this Report. Police services, for example, do not cover the National Crime Authority or the federal functions of the Australian Federal Police. The courts administration chapter does not cover the operations of tribunals and registries (except for probate and court registries). The corrective services chapter does not cover juvenile corrective services.

A number of factors contribute to the differences in expenditure across jurisdictions. These include factors beyond the control of jurisdictions (such as geographic dispersion, economies of scale and socioeconomic factors), as well as differences in justice policies. Expenditure may vary across jurisdictions because the scope of services delivered by justice agencies may differ. Police agencies in some jurisdictions, for example, provide event management and emergency response services.

Policy developments in the criminal justice system

The provision of services by the system is continually evolving. In addition to the policies particular to each of the three justice services (see chapters 8–10), whole-of-government policies are increasingly being developed in response to

major issues such as crime prevention, drugs, youth, Indigenous justice and mental health issues.

Over the past five years, several jurisdictions have been trialing new illicit drug strategies, centred around harm minimisation and the diversion of offenders from the criminal justice system. These initiatives have included the introduction of drug courts and cautions for cannabis users.

The Council of Australian Governments (COAG) endorsed a framework in November 1999 for an illicit drug diversion strategy. In its Communique of 9 April 1999, COAG:

agreed to work together to put in place a new nationally consistent approach to drugs in the community involving diversion of drug offenders by police to compulsory assessment.

This framework will ensure a nationally consistent approach to diversion of drug offenders while recognising that law enforcement, drug assessment, and education and treatment services are jurisdictionally based and have different legislative, practical and cultural circumstances. This initiative will commence in all jurisdictions in 2000, and will be carefully monitored and evaluated.

NSW has been active in trying new initiatives in relation to illicit drug use. NSW established the first Adult Drug Court, which has now been operating for over one year, and has recently established a trial Youth Drug Court in Western Sydney. Other drug initiatives aimed at diverting persons from the justice system to treatment are also being trialed as initiatives arising from the NSW Drug Summit held in 1999.

One of these initiatives involves cooperation between Corrective Services and the Corrections Health Service in the provision of a 24-hour service at a number of NSW correctional centres to assist in the detoxification and stabilisation of prisoners entering the correctional system. The overall aim of this service is to ensure continuity of treatment before, during, and after incarceration.

The Aboriginal Justice Advisory Committee (NSW) was established in 1993 in response to Recommendation two of the Royal Commission into Aboriginal Deaths in Custody. The Aboriginal Justice Advisory Committee was established to consider and advise the NSW Attorney General on law and justice issues which affect Aboriginal and Torres Strait Island people in their contact with the criminal justice system in NSW. The Aboriginal Justice Advisory Council provides a framework for a partnership between Aboriginal communities and criminal justice system agencies. At the central level, it facilitates a whole-of-government approach to the over-representation of Aboriginal people in the criminal justice system through

direct Aboriginal community input, specialist advice and departmental expertise and support.

Crime Prevention Victoria, a new division of the Victorian Department of Justice, is responsible for the development and coordination of the Victorian Government's crime prevention framework and strategy plan. A key element of this strategy is the development of interagency partnerships that recognise the contributions that Victoria Police and the departments of Education, Infrastructure, Health, Justice, and Premier and Cabinet make to crime prevention. Local governments are encouraged to take a leadership role in crime prevention and community safety through the Safer Cities and Shires Program.

Victoria's justice-wide diversion strategy — involving police, the judiciary and corrections — has sought to develop more appropriate options for less serious offenders. The Victorian Criminal Justice Enhancement Program intends, through its Accused Management Project, to provide an integrated data set on prisoners and offenders for use throughout the Victorian criminal justice system.

Queensland's Crime Prevention Strategy is being oversighted by a Task Force, with a Secretariat based in the Department of the Premier and Cabinet. It seeks to tackle the causes of crime and coordinate the crime prevention activities of a range of government agencies.

Amendments to the Queensland *Penalties and Sentences Act 1992*, the *Juvenile Justice Act 1992*, and the *Children's Court Act 1992*, will enable elders and community justice groups to formally assist judges and magistrates in sentencing Aboriginal and Torres Strait Islander people found guilty of an offence.

Following the release of the *Aboriginal and Torres Strait Islander Women's Task Force on Violence Report* in late 1999, key priorities of the Queensland Domestic Violence Council are Indigenous family violence, non-spousal violence, elder abuse, and domestic abuse of people with a disability.

The Department of Justice in South Australia is developing a Justice Illicit Drug Strategic Framework which will focus the efforts of the portfolio on coordinating responses across the criminal justice system, identifying the extent of illicit drug use and ensuring that responses are appropriate and effective.

Drug Action Teams are a new initiative led by the police in SA and are aimed at increasing community level coordination and cooperation in identifying and resolving local drug issues. As well, SA is also conducting a two-year trial of a Drug Court. The Court targets those offenders who commit drug related crime and are facing terms of imprisonment.

The SA Justice and Human Services portfolios have also focused their attention on ways to achieve the best possible interface between justice and treatment and support services, to optimise management and service provision for accused persons with a mental impairment at all stages of contact with the criminal justice system.

The action plan ‘To Address the Cycle of Aboriginal Offending’ is a project of the Western Australian Ministry of Justice, aimed at reducing crime through a coordinated whole-of-government approach. The project (at the pilot stage) is a long term strategy that addresses local priorities and risk factors for Indigenous juveniles.

The Tasmanian Government has been active in encouraging strategic partnerships between its public sector agencies, community organisations and local government. A number of key initiatives have arisen as a result of this approach including:

- new youth justice legislation aimed at providing an alternative to the criminal justice system for young offenders. Police now have a broader range of cautionary and diversion options and collaborate closely with health and justice agencies in establishing family and community conferences;
- a Tasmanian Crime Prevention Program, which has seen the consolidation of the work of the Crime Prevention and Community Safety Council comprising government and community and local government representatives. Projects have focused on youth truancy from school, older persons and personal safety, fear of crime, business safety and the establishment of partnership agreements between the Council and local governments; and
- the formation of two strategic management groups — the Inter-Agency Steering Committee and the Inter-Departmental Committee on Drugs. These offer benefits to the community and particularly to health, education and justice agencies through a reduction in cross-agency duplication in service delivery as well as implementing whole-of-government strategies.

The ACT Youth Strategy coordinates government and community responses to youth issues while addressing problems associated with youth. It also attempts to identify opportunities for young people to contribute to decision making and self determination. The strategy involves a number of government agencies beyond the justice portfolio.

Several jurisdictions have created justice agencies that have responsibility for at least two of the three justice services covered in this Report. The WA Ministry of Justice is responsible for courts administration and corrective services. The SA Justice Portfolio, the Victorian Department of Justice, and the ACT Department of Justice and Community Safety help administer police, courts administration and corrective services. Each of these developments has the potential to encourage improved justice policy coordination.

Framework of the criminal justice system

The criminal justice system is broad and complex, and has many interrelated objectives. An overarching objective is to encourage community access to a fair system of justice that protects the rights of individuals and that is responsive to community needs (box D.1).

Box D.1 Objectives for the criminal justice system

The goal is to provide protection for the rights and freedoms of all people through:

- the operation of police services that enhance community safety by preventing, detecting and investigating crime;
- the administration of criminal justice that determines guilt and applies appropriate, consistent and fair sanctions to offenders; and
- the provision of a safe, secure and humane adult correctional system that incorporates the elements of safe containment and rehabilitation of offenders, and restorative justice to the community.

In a manner that is accessible, equitable, timely and efficient.

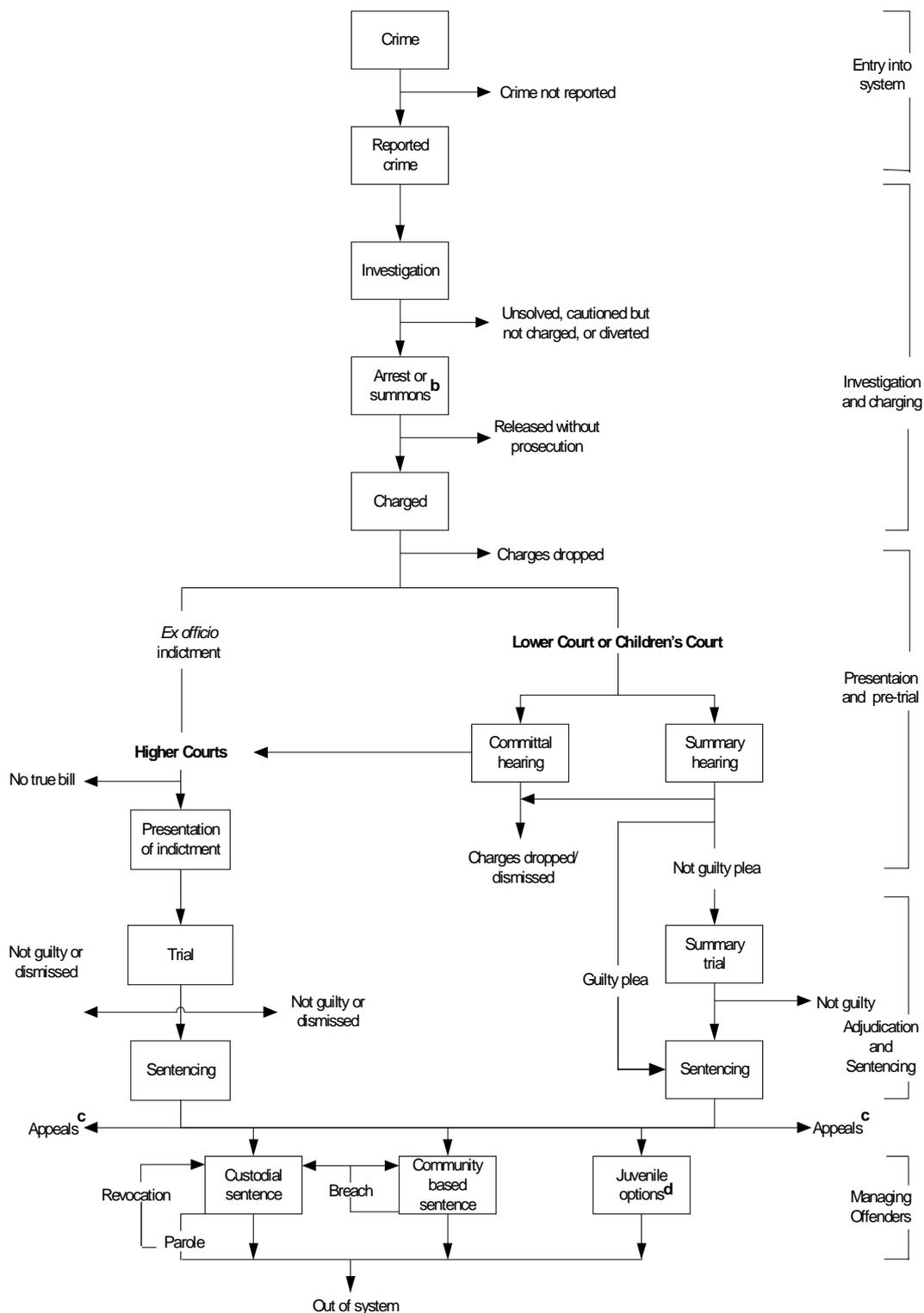
A model of the criminal justice system

The performance of the criminal justice system is measured against the stated policy objectives of effectiveness (the ability of agencies to meet the outcomes of access, equity and timeliness) and efficiency (the measurement of how well inputs are used to deliver a range of outputs). As individuals pass through the criminal justice system, they interact with police, courts and corrections. Examples of the interactions in this system are:

- the police service's direct influence on the demand on the judicial system, through policing strategies such as police cautions and other diversionary strategies;
- the judicial system's direct influence on the demand on the correctional system, through changes in sentencing practices; and
- the correctional system's direct influence on the demand on the police service, through offences in prison and escapes from prison.

Figure D.1 illustrates the possible stages involved in processing cases through the criminal justice system and shows some of the linkages between the key agencies of police, courts and corrective services. This depiction is broadly indicative and, for purposes of brevity, does not seek to capture all the nuances of the criminal justice system.

Figure D.1 Flows through the criminal justice system^a



^a Does not account for all variations across jurisdictions. ^b Includes voluntary agreement to attend court in some jurisdictions. ^c Appeals are referred to higher courts. Lower court sentencing is upheld for unsuccessful appeals. ^d Report does not cover juvenile options in managing offenders.

Source: Adapted from Criminal Justice Commission (1991).

Key results of the criminal justice system

The following discussion matches the stated policy objectives of the criminal justice system (box D.1), while accounting for the process by which the criminal justice system operates (figure D.1). The discussion illustrates the set of performance indicators used in this Report. It also identifies other areas that are not covered in this analysis, but which may also be relevant in providing a more complete picture of the operations of (and options available to) police, courts and corrective services.

Crime prevention and detection

Effectiveness

The Report includes measures of community perceptions of safety as well as rates of reported crime and victimisation. Measures of public perceptions of safety indicate the success of the system in ensuring the public feels safe (both personally and regarding their property). Public perceptions of safety are reported in detail in chapter 8 and include measures of perceptions of safety in the home, in public places and on public transport.

An indicator of the success of crime prevention and law enforcement is the recorded rate of crime. Given that a number of factors can influence recorded rates of crime, including the general willingness to report crimes to police, additional information is also required. A survey of the community's experience with crime (such as the Australian Bureau of Statistics' Crime and Safety Survey) helps to clarify the relationship between reported and unreported crimes. Recorded rates of crime and information from crime victimisation surveys are reported in chapter 8.

Efficiency

The cost of the service delivery area 'Community safety and support' per capita is used as a proxy for the efficiency of delivering these services. This is contained in chapter 8.

Crime investigation

Effectiveness

Information on the outcomes of criminal investigations indicates the success of the police in responding to criminal incidents. Chapter 8 reports on outcomes of

investigations. The data includes: the total number of investigations for a range of crimes; the investigations finalised as a proportion of total investigations; and the investigations in which the offender was proceeded against as a proportion of investigations finalised.

Areas that are not covered in chapter 8, but which may also be relevant, are the proportion of investigations that resulted in the offender being cautioned or diverted, as well as the proportion of investigations that are not resolved.

Efficiency

The efficiency measure of crime investigation is the cost per capita of delivery of the service to the community. This is contained in chapter 8.

Presentation and pre-trial

Effectiveness

Measures relating to the proportion of lower court cases resulting in a guilty plea are indicative of the work undertaken by police and prosecuting services. Chapter 8 provides data for police in this area. As well, the timeliness with which criminal committal matters are finalised are included in chapter 9. Data on the timeliness of hearings provide important information on the ability of the justice system to ensure offenders have access to a speedy hearing, and on the courts' ability to handle caseload.

Efficiency

The cost of the service delivery area 'Services to the judicial process' per capita is used as a proxy for the efficiency of delivering police prosecution services. This is contained in chapter 8. The cost per case in lower criminal courts is used to measure the efficiency of case management by court administrators. This is contained in chapter 9.

Adjudication and sentencing

Effectiveness

Measures relating to the proportion of higher court cases resulting in a guilty finding are contained in chapter 8. As well, case completion times in criminal courts

and adjournment rates in criminal courts are included in chapter 9. Data on the timeliness of hearings provide important information on the ability of the justice system to ensure that alleged offenders have access to a speedy hearing, and on the courts' ability to effectively manage caseload.

An area that is not covered in this analysis, but which may also be relevant, is client satisfaction with court administration services. The proposed court administration survey is discussed in chapter 9.

Offender containment

Effectiveness

The key effectiveness measures of containment are prisoner assault, death and escape rates. In community corrections the key measure is the proportion of orders successfully completed. Descriptive indicators such as imprisonment and offender rates are disaggregated by gender and Indigenous status. Chapter 10 reports on all of this data.

Efficiency

There are no data that report the cost of containment in this analysis. Costs associated with 'total resource management' and 'government operations resource management' provide some indicators of the cost of corrective services — but these costs also include things like rehabilitation, reparation, and prisoner custody and transport (chapter 10).

Offender rehabilitation and reparation

Effectiveness

Information on the number of prisoners and offenders undertaking approved education and training courses, as well as personal development courses, provides an indication of the role of corrective services in providing rehabilitative opportunities for offenders. The types of rehabilitation programs undertaken are shown in chapter 10.

Reparation may include prisoners undertaking work in the community on environmental and other work projects. Offenders in community corrections

provide reparation by serving court orders with unpaid community work components. The level and distribution of this reparation are detailed in chapter 10.

An area that is not covered in this analysis, but which may also be relevant as part of rehabilitation, is the number of offence related programs (for example, intensive sex offender treatment programs and anger management programs).

Efficiency

Another area that is not reported in this analysis, but may be relevant, is the cost associated with rehabilitation and reparation programs. Currently, these data are incorporated within the total cost of systemwide operations (chapter 10).

Overall performance

Effectiveness

Recidivism — the extent to which persons convicted by the criminal justice system re-offend — is a partial measure of the performance of the system as a whole in improving public safety by reducing the incidence of crime. The only indicator of recidivism presented in this Report relates to the return to corrective services of persons released from custody or community correction orders. This measure is only a partial indicator, because it:

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

The original indicator of recidivism assessed within the corrective services sector, was limited to the percentage of prisoners returning to prison within two years of release. A second indicator of return to corrective services (either prisons or community corrections) was introduced in 1997-98. Both indicators are based on the outcomes for prisoners released from custody during the two years before the year in which the indicator is reported; thus data for 1999-2000 relate to prisoners released during the 1997-98 period.

Recidivism among offenders under community correction orders is also assessed by two indicators — a return to community corrections and a return to corrective services (either prisons or community corrections). Return to corrective services is the preferred indicator in both cases. However, not all jurisdictions are able to report on this measure.

In 1999-2000, SA reported the lowest rate of return to prison by prisoners (9.5 per cent) and Western Australia the highest (44.1 per cent). Of those four jurisdictions also able to provide figures on prisoner return to corrections as a whole (Victoria, Queensland, SA and the NT), SA reported the lowest rate in 1999-2000 (24.9 per cent) and NT the highest (49.2 per cent).

Queensland reported the lowest rate of return to community corrections by offenders following completion of community orders in 1999-2000 (7.7 per cent) and WA the highest (26.4 per cent). NSW and the ACT did not report on this indicator. Of the four jurisdictions also able to provide figures on offender return to corrections as a whole (Victoria, Queensland, SA and the NT), Queensland reported the lowest rate in 1999-2000 (15.1 per cent) and the NT (37.2 per cent) the highest (table D.3).

Table D.3 Proportion of prisoners and offenders released or completing order in 1997-98, returning with a correctional sanction within two years (per cent reported)

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust</i>
Prisoners returning									
– to corrective services	na	42.9	38.8	na	24.9	na	..	49.2	na
– to prison	39.5	33.7	29.3	44.1	9.5	34.2	..	34.9	33.1
Offenders returning									
– to corrective services	na	24.0	15.1	na	17.7	na	na	37.2	na
– to community corrections	na	20.2	7.7	26.4	17.1	22.7	na	18.5	18.0

na Not available. .. Not applicable.

Source: State and Territory governments (unpublished).

Efficiency

The efficiency of the criminal justice system is reflected in the level of resources used to deliver justice services. Unit cost indicators for individual justice services are presented in the relevant chapters, but some system outcomes result from interactions between the individual services. One indicator of the efficiency of the justice system is annual government expenditure on justice services per person (table D.4). However, comparisons of unit costs should account for conflicting

objectives and tradeoffs between cost, quality and timeliness, and should be viewed in the context of the suite of effectiveness indicators in each chapter.

Table D.4 **Government expenditure on criminal justice system per capita (1999-2000 dollars)^{a, b, c}**

	1995-96	1996-97	1997-98	1998-99	1999-2000 ^d	Real annual growth rate
	\$	\$	\$	\$	\$	%
NSW	282	277	292	314	318	5.0
Victoria	263	266	257	271	277	2.0
Queensland	222	238	245	268	296	12.3
WA ^e	287	311	324	347	370	10.8
SA	273	295	277	291	305	4.5
Tasmania	224	246	257	271	272	8.2
ACT	229	233	252	279	302	11.7
NT ^f	658	696	731	793	720	3.7
Australia	267	274	279	300	309	6.0

^a Defined as recurrent expenditure plus depreciation less revenue from own sources. Excludes capital expenditure and estimates of the user cost of capital. ^b Population estimated at 30 June. ^c Excludes costs of civil and probate hearings. ^d Includes adjustments for WA and the ACT to include a proxy amount for payroll tax (\$14 and \$11 per head of population respectively). Data for WA and the ACT will differ from previous years, as data from 1995-96 to 1998-99 excludes any adjustments for differences in payroll tax. Consequently, rates of growth for these two jurisdictions may be misleading. All other jurisdictions have payroll tax included. ^e Excludes WA community corrections expenditure during 1995-96 and 1996-97. ^f Prison and community corrections revenue from own sources not deducted between 1995-96 and 1996-97.

Source: State and Territory governments (unpublished); ABS 2000 (*Estimated Resident Population of Australia – States and Territories*, cat. no. 3201.0); ABS 1999 (*Australian Demographic statistics*, cat. no. 3101.0).

Per capita expenditure on criminal justice in Australia grew at an average annual rate of 6.0 per cent between 1995-96 and 1999-2000. The highest rate of annual growth was experienced in Queensland (12.3 per cent). The slowest rates of annual growth were experienced in Victoria (2.0 per cent), the NT (3.7 per cent) and SA (4.5 per cent).

Future directions in performance reporting

Each chapter (police, courts and corrective services) contains its own service-specific future directions. The aim of this section is to provide an insight into directions in performance reporting that covers the whole justice sector.

This discussion on the key results focuses on the importance of flows throughout the justice system, and on the interaction of police, courts and corrective services. To provide a better grasp of these flows, the issue of a consistent and uniform counting unit becomes important; for example, police may report the number of

charges laid, and courts may report the number of cases handled, but these do not indicate the number of individuals in the system (that is, a number of charges may represent one individual).

The Australian Bureau of Statistics is developing a National Crime and Justice Statistical Framework which will use, among other things, common definitions and counting rules across service areas and jurisdictions. The Australian Bureau of Statistics expects to release the first edition of a national data dictionary for crime and justice statistics in mid-2001.

The advantage of moving to a common person based denominator is that it ensures consistent reporting across jurisdictions and criminal justice agencies, and allows the flow of offenders to be tracked through the criminal justice system. It also allows for the improved comparability of non-criminal justice agency data. The Australian Bureau of Statistics is likely to continue reporting non-person based data (for example, the number of charges laid by police and the number of cases handled by courts). Ideally in the future, these data may supplement the use of a common person based reporting unit.

Indigenous issues

The information available on contact by Indigenous people with parts of the criminal justice system is of varying quality. The most important reason for the poor quality of Indigenous data is the failure of a number of justice agencies to explicitly ask for the person's Indigenous status. Self identification is the Australian Bureau of Statistics' preferred method of identifying Indigenous clients. However, self identification can be difficult to implement, given that identifying Indigenous status may be perceived as discriminatory or prejudicial, particularly if the question is asked at an inappropriate time.

The accuracy of police records of charges or convictions against Indigenous people is uncertain, depending on whether the records were made on the basis of appearance or self identification. The result of recent work to analyse the quality of the Indigenous status data and racial appearance data collected by the NSW Police is contained in chapter 8 (box 8.4).

Throughout nearly all jurisdictions, court administrations appear not to record the racial identity of litigants in a form that can be readily extracted as data, although some progress appears to have been made in NSW with information on Indigenous status of defendants now routinely captured for all court appearances. If other jurisdictions make similar progress, then detailed monitoring and comparison of

trends in court appearances and outcomes of Indigenous and non-Indigenous defendants in criminal proceedings will be possible.

The data on the deaths of Indigenous people in police custody (see chapter 8), Indigenous representation in prisons and community corrections (see chapter 10), and Indigenous deaths in prison custody (see chapter 10) are of a high quality and are published within the Report.

While acknowledging that there are limitations, there may still be an opportunity to increase reporting in certain areas. An example of the indicators that could be developed for future Reports may include indicators that identify for Indigenous people:

- arrest rates;
- the use of diversionary mechanisms for juveniles;
- the number of offenders appearing in lower and higher courts;
- conviction rate;
- courts' use of imprisonment and non-custodial sentences;
- involvement in education and training programs while under custody; and
- rate of recidivism.

In some cases, greater examination of these indicators will be necessary. For instance, many diversionary schemes are not developed to suit the needs of Indigenous people, and therefore are not accessed very often. Thus, a measure of the number and types of specific Indigenous diversionary schemes may be a better indication of the justice system's ability to meet the needs of Indigenous clients. A comparative measure of Indigenous use of specific and mainstream services, and measures linking the use of such schemes and rates of re-offending might provide a more qualitative indication.

One source of further Indigenous data is the Australian Institute of Criminology, which produces a number of statistical and analytical reports on the involvement of Indigenous people within the criminal justice system, particularly in relation to deaths in police and corrective services custody.