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 Report also contribute to civil and criminal justice outcomes, for example:

- legal aid services, which provide access to both criminal and civil aspects of the justice system;
- alternative dispute resolution services, such as conciliation and mediation;
- offices of fair trading or consumer affairs, which operate to minimise the incidence of unlawful trade practices;
- crimes compensation services and victim support services, which assist victims' recovery from crime;
- prosecution services, which bring actions on behalf of the community in criminal actions; and
- various social services and community organisations in combination, which help prisoners released from prison re-integrate into society, support families of prisoners during the prisoner's incarceration, and assist people who have contact with the criminal justice system.

In addition, some smaller elements of justice services are excluded from this Report. The police services chapter, for example, does 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 (information on juvenile justice can be found in the Community services preface).

Profile of the justice system

Total recurrent expenditure for that part of the justice system covered in this Report was nearly $6.8 billion in 2000-01 (table D.1). This represents approximately 11 per cent of all expenditure on services covered in the Report. Police services accounted for approximately $4.4 billion in 2000-01, corrective services accounted for around $1.5 billion and criminal courts administration accounted for $456 million. Expenditure on civil justice (including the Federal Court and family courts) was approximately $476 million (table D.1).

Expenditure between 1996-97 and 2000-01 grew fastest in real terms for criminal courts administration (at an annual average of 6.5 per cent) and slowest for civil courts administration (at an annual average of 2.0 per cent) (table D.1).

Table D.1 **Real expenditure on justice by all Australian governments (2000-01 dollars)[a, b, c]**

	1996-97	*1997-98*	*1998-99*	*1999-2000*	*2000-01*	*Annual average growth*
	$m	$m	$m	$m	$m	%
Police services	3 839	3 879	4 240	4 408	4 383	3.4
Court admin. – criminal[d]	355	381	409	406	456	6.5
Court admin. – civil[e, f]	440	441	479	502	476	2.0
Corrective services[g]	1 154	1 141	1 254	1 409	1 461	6.1
Total justice system	**5 789**	**5 843**	**6 382**	**6 725**	**6 776**	**4.0**
	%	%	%	%	%	
Police services	66.3	66.4	66.4	65.5	64.7	..
Court admin. – criminal	6.1	6.5	6.4	6.0	6.7	..
Court admin. – civil	7.6	7.6	7.5	7.5	7.0	..
Corrective services	19.9	19.5	19.6	21.0	21.6	..
Total justice system	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**..**

[a] Expenditure figures from 1996-97 to 1999-2000 have been amended to take account of inflation. 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 in police and courts, but includes capital asset charge and debt servicing fees in corrective services. [c] Payroll tax has not been included for WA and the ACT as they are exempt. For all other jurisdictions, it has been included. [d] Includes the cost of coroners' courts. [e] Excludes the cost of probate hearings. [f] Includes the cost of the Family Court and Federal Court of Australia. [g] Excludes WA community corrections expenditure during 1996-97. The NT prison and community corrections did not deduct revenue from own sources in 1996-97. **..** Not applicable.

Sources: State and Territory governments (unpublished); ABS (2001).

Expenditure per person on civil and criminal justice in 2000-01 was highest in the NT ($802) and lowest in Victoria ($282). Expenditure per person was highest for police services in the NT ($483) and equally lowest in Victoria, Queensland and Tasmania ($212). In criminal courts administration, the highest expenditure per

person was in the NT ($64) and the lowest was in Victoria ($15). In civil court administration, the highest expenditure per person was in the NT ($48) and the lowest was in Tasmania ($8). The NT also had the highest expenditure per person on corrective services ($207) and Victoria the lowest ($45) (table D.2).

Table D.2 **Government expenditure on justice, per person (2000-01 dollars)[a, b, c, d]**

	NSW	*Vic*	*Qld*	*WA*	*SA*	*Tas*	*ACT*	*NT*	*Aust*
	$	$	$	$	$	$	$	$	$
Police services	235	212	212	232	221	212	230	483	225
Court admin. – criminal	24	15	24	31	29	19	42	64	23
Court admin. – civil[e, f]	16	11	10	22	17	8	25	48	24
Corrective services	83	45	73	118	81	63	64	207	75
Total justice system	**358**	**282**	**320**	**403**	**348**	**302**	**360**	**802**	**348**
	%	%	%	%	%	%	%	%	%
Police services	65.7	74.9	66.4	57.6	63.6	70.1	63.8	60.3	64.7
Court admin. – criminal	6.6	5.3	7.7	7.8	8.4	6.4	11.5	8.0	6.7
Court admin. – civil[f]	4.5	4.0	3.2	5.5	4.8	2.5	7.0	5.9	7.0
Corrective services	23.1	15.8	22.8	29.2	23.2	20.9	17.7	25.8	21.6
Total justice system	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**

[a] Defined as recurrent expenditure plus depreciation less revenue from own sources. Excludes capital expenditure and estimates of the user cost of capital in police and courts, but includes capital asset charge and debt servicing fees in corrective services. [b] Payroll tax has not been included for WA and the ACT as they are exempt. For all other jurisdictions, it has been included. [c] Population estimated at 30 June 2001. [d] Totals may not sum as a result of rounding. [e] Australian total includes expenditure on the Family Court of Australia and the Federal Court, which are not attributed to jurisdiction expenditure. [f] Excludes cost of probate hearings.

Sources: State and Territory governments (unpublished); ABS (2001).

A number of factors contribute to the marked differences in expenditure across jurisdictions. This includes factors beyond the control of jurisdictions (such as geographic dispersion, economies of scale and socioeconomic factors). As well, differences in justice policies and/or the scope of services that are delivered by justice agencies may help to explain the differences in expenditure. For example, police agencies in some jurisdictions provide event management and emergency response services, while others do not.

Policy developments in the criminal justice system

The provision of services is continually evolving. Recent policy initiatives within the areas of courts, police and corrective services are contained in chapters 8–10 respectively. In addition to these developments, there are also a number of initiatives occurring across police, courts and corrective services that have implications for the system as a whole. These are outlined as follows.

Crime prevention

All jurisdictions have endeavoured, where practical, to develop mechanisms aimed at crime prevention. A common theme has been the involvement of police in the community. The following outlines some of the initiatives undertaken by jurisdictions.

Victoria has established a new agency – Crime Prevention Victoria – to develop effective strategies for reducing crime and violence. As well, Victoria Police is actively involved in a number of community safety and crime prevention strategies targeted at different sections of the community, including:

- the development of a project to trial the effectiveness of providing safety forums and safety audits to women who have been victims of certain crimes;
- the provision of practical advice on safety and security to Victorians aged 55 and over through the 'Confident Living for Older Victorians Program';
- the establishment of multicultural liaison units to work closely with other government and non-government service providers to focus on pro-active community awareness initiatives; and
- the involvement in a number of programs aimed at broadening the experiences of young people in the community to foster mutual respect and understanding.

The Queensland Government has committed more than $80 million over the past three years (1998–2001) to fund new and expanded crime prevention programs through the Safer Communities Strategy. The strategy involves being tough on crime and its causes. The vast majority of the $80 million has been directed toward crime prevention initiatives that address the underlying causes of crime rather than relying on traditional law and order responses.

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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 agencies.

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 in regard to 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 of the public 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' (ABS) 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 per person of the service delivery area 'community safety and support' 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 from the criminal justice system, as well as the proportion of investigations that are not resolved.

Efficiency

The efficiency measure of crime investigation is the cost per person 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 indicate the work undertaken by police and prosecuting services. Chapter 8 provides data for police in this area. The timeliness with which criminal committal matters are finalised is included in chapter 9. Data on the timeliness of hearings provide important information on the ability of the justice system to meet community demands for accused persons to be dealt with in a timely manner, and on the courts' ability to effectively manage caseload.

Efficiency

The cost per person of the service delivery area, 'services to the judicial process' 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. Case completion times and adjournment rates are included in chapter 9. Data on the timeliness of hearings provide important information on the ability of the justice system to meet community demands for accused persons to be dealt with in a timely manner, and on the courts' ability to effectively manage caseload.

Offender custody

Effectiveness

The key effectiveness measures of custody are prisoner assault, death and escape rates. Descriptive indicators, such as imprisonment rates, are disaggregated by gender and Indigenous status. Chapter 10 reports on these data.

Efficiency

There are no data that report the cost of custody. 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 components such as rehabilitation, reparation, and prisoner custody and transport (chapter 10).

Community corrections

Effectiveness

In community corrections, the key effectiveness measure is the proportion of orders successfully completed. Descriptive indicators, such as offender rates, are disaggregated by gender and Indigenous status. Chapter 10 reports on these data.

Efficiency

The cost per offender per day is used as a proxy for the efficiency of providing community corrections. These data are included in chapter 10.

Offender programs 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 program opportunities for offenders. These types of programs are reported on 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 is detailed in chapter 10.

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

Efficiency

Another area that is not reported, but which may be relevant, is the cost associated with rehabilitation and reparation programs. Currently, these data are incorporated into the total cost of corrective services (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 does not fully reflect the extent of recidivism 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);
- does not include a corrections sanction for a repeat offender who has previously been sentenced to only non-corrections sanctions, such as fines; and

- 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).

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 2000-01 relate to prisoners released during the 1998-99 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.

In 2000-01, NSW reported the highest rate of prisoners returning to corrective services within two years (51.5 per cent) and SA the lowest (31.7 per cent). Western Australia was not able to provide data. For prisoners returning to prison within two years, the highest rate was exhibited by WA (45.1 per cent) and the lowest rate by SA (14.2 per cent) (table **Error! Not a valid link.**).

The NT reported the highest rate of offenders returning to corrective services within two years (35.2 per cent) and Queensland the lowest (18.0 per cent). Two jurisdictions, NSW and WA, did not report on this indicator. For offenders returning to community corrections, the highest rate of return within two years was reported by WA (26.6 per cent) and the lowest by Queensland (9.2 per cent). No data were provided by NSW (table D.3).

Table D.3 **Proportion of prisoners and offenders released or completing order in 1998-99, returning with a correctional sanction within two years (per cent)**

	NSW	*Vic*	*Qld*	*WA*	*SA*	*Tas*	*ACT*	*NT*	*Aust*
Prisoners returning									
– to corrective services	51.5	44.3	51.0	na	31.7	48.0	..	45.2	47.6
– to prison	41.4	34.1	30.2	45.1	14.2	33.5	..	29.5	35.5
Offenders returning									
– to corrective services	na	23.1	18.0	na	18.1	29.9	20.0	35.2	22.1
– to community corrections	na	19.6	9.2	26.6	12.6	19.7	15.3	18.3	17.6

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 efficiency is annual government expenditure on the criminal justice system per person (table D.4). However, comparisons of unit costs need to account for conflicting objectives and tradeoffs between cost, quality and timeliness, and need to be viewed in the context of the suite of effectiveness indicators in each chapter.

Real expenditure per person on criminal justice in Australia grew at an average annual rate of 2.9 per cent between 1996-97 and 2000-01. The highest rate of annual growth was experienced in the ACT (9.2 per cent) (table **Error! Not a valid link.**), although a proxy amount of payroll tax has been included in the 1999-2000 and 2000-01 years. The only jurisdiction to experience a decrease in growth was Victoria (a fall of 0.8 per cent) (table D.4).

Table D.4 **Real government expenditure on criminal justice system per person (2000-01 dollars)[a, b, c]**

	1996-97	*1997-98*	*1998-99*	*1999-2000*[d]	*2000-01*[d]	*Real annual growth rate*
	$	$	$	$	$	%
NSW	292	307	330	333	341	4.0
Victoria	280	270	285	290	271	-0.8
Queensland	251	258	282	310	309	5.4
WA[e]	328	341	364	388	394	4.7
SA	310	292	305	319	331	1.6
Tasmania	259	270	285	285	294	3.2
ACT	245	265	294	316	349	9.2
NT[f]	733	769	833	754	754	0.7
Australia	**289**	**294**	**315**	**324**	**324**	**2.9**

[a] Defined as recurrent expenditure plus depreciation less revenue from own sources. Excludes capital expenditure and estimates of the user cost of capital in police and courts, but includes capital asset charge and debt servicing fees in corrective services. [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 ($13 and $14 per head of population respectively in 2000-01). Data from 1996-97 to 1998-99 exclude 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 1996-97. [f] Prison and community corrections revenue from own sources not deducted in 1996-97.

Sources: State and Territory governments (unpublished); ABS (2001).

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.

Juvenile justice

Information on juvenile justice is contained in the Community services preface. The Community services preface contains descriptive data on the number and detention rates of juveniles (including Indigenous juveniles) in correctional facilities. It is anticipated that the Report will contain performance reporting on juvenile justice in future years.

Crime and justice statistical framework

In July 2001, the ABS released the 'National Criminal Justice Statistical Framework' (NCJSF). The development of the framework arose from the need to develop comprehensive and integrated national criminal justice data. The NCJSF discusses the various connections across the main sectors of the criminal justice system and identifies some of the key counting units (such as 'person' and 'criminal incident') and data variables that characterise its main aspects.

The strategic objectives of the NCJSF include integrating criminal justice data between the different interconnecting sectors of the criminal justice system, as well as across the States and Territories. It achieves this by promoting comparability of data both within and across jurisdictions by using common definitions and standards across services areas and jurisdictions. A common language is created that facilitates a shared understanding of the criminal justice system and the populations that flow through it.

The NCJSF's promotion of a common language based on the person ensures consistent reporting across jurisdictions and criminal justice agencies, and allows for an examination of the flow of aggregate populations of offenders through the criminal justice system. The ABS currently reports both person (for example, demographic information on defendants and on prisoners) and non-person based data (for example, the number of cases handled by the courts) and is working to expand its police statistics collection to include information on alleged offenders.

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 reluctance of justice agencies to explicitly ask for the person's Indigenous status. Self identification is the ABS' 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 at certain stages of the prosecution process.

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

Another source of 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.