

WESTERN AUSTRALIAN SEPTEMBER 2009 SUBMISSION

JUSTICE

Key Points

- Western Australia considers that there is evidence to indicate the existence of service delivery scale in prisons and courts, as well as police.
- Western Australia supports the Commission's assessment of criminal courts, noting that there would be a greater case for increasing rather than discounting socio-demographic weights.
- State Budget Papers show that police expenditure is substantially crime driven, and that socio-demographic factors should be applied to at least 75% of police expenditure (i.e. the non-crime driven component of police is no more than 25%).
 - This is notwithstanding that Western Australia is still of the view that ultimately all police expenditure, other than that relating to non-offence emergency management, is affected by socio-demographic drivers of crime.

SERVICE DELIVERY SCALE

Western Australia considers that service delivery scale is applicable to the whole Justice category, not just the police component. We have provided the Commission with data on scale effects for prisons (sent on 5 March 2009) and courts (sent on 3 August 2009).

CRIMINAL COURT USE FACTORS

Victoria's February 2009 submission on justice services suggested (page 6) that the socio-demographic composition (SDC) factor in criminal court use be discounted. However, the following reasoning suggests that the factor errs on the low side.

State data on criminal court appearances indicates that Indigenous people are 7.9 times as likely to be defendants as non-Indigenous people.¹ As this data set does not contain information on complexity of the charges, the Commission has not re-weighted the data to refine the estimate of the criminal court resources expended on cases with Indigenous defendants.

¹ *Draft Report on Revenue Sharing Relativities 2010 Review*, page 328.

Western Australia notes that if the Indigenous defendant data were to be re-weighted, the most relevant information source to inform the re-weighting would be prisoner data.

In this regard, as stated in our February 2009 submission, the Western Australian Police Service has advised that more serious crimes tend to be more complex and expensive to investigate. It is therefore likely that more serious crimes would be more complex and expensive to try. Unlike custody and court data, prisoner number data is automatically adjusted for seriousness, for the following reasons:

- less serious cases are less likely to lead to a term of imprisonment; and
- less serious cases tend to lead to shorter sentences, so that the proportion of serious offenders inside a prison at the survey date is greater than the proportion of serious offenders who commence their sentences per year.

The rate of Indigenous prisoners is 17.3, over twice the rate of Indigenous defendants.² Consequently, any re-weighting of criminal defendant Indigenous data would be upwards.

CRIME RELATED VERSUS COMMUNITY POLICING

The Commission applies differential use rates for population groups to 50% of police expenditure on the basis that half of police services expenses are “driven by State population as a whole”, while the other 50% of expenditure is “linked to the cost of crime”.

Western Australia is still of the view that ultimately all police expenditure, other than that relating to non-offence emergency management, is affected by socio-demographic drivers of crime. This is consistent with the view that a base level of police resources is provided to every community, as the socio-demographic composition factor used by the Commission does provide a positive number for all social groups – including those with the lowest crime rates.

Nevertheless, consistent with the Commission’s viewpoint, we have undertaken detailed analysis to allocate national police expenditure between “community” driven purposes (such as general patrols which are not targeted, and support to community groups irrespective of where they are located) and crime driven purposes, and hence determine how accurate the Commission’s estimate of 50% is.

This has involved “drilling down” into information published by States on their allocation of police expenditure, as indicated by the services and outputs in States’ 2009-10 Budget Papers.

² *Draft Report on Revenue Sharing Relativities 2010 Review*, page 329.

This analysis has in general shown then when States talk about “community” policing they do not mean providing a base level of services irrespective of crime rates. Rather, they frequently mean something closer to the definition of “community safety” in the *Report on Government Services*, as including crime prevention and responding to calls for assistance.³

In our analysis, we have attempted to identify what States spend on targeted crime prevention and response to crime. These activities are linked to crime, not a base level of services irrespective of crime rates. The results of our analysis are summarised in Table 1. The State-by-State analysis is as follows.

New South Wales

New South Wales provides the following services:

- community support;
- criminal investigation;
- traffic and commuter; and
- judicial support.⁴

Community Support

Community support includes supplying an effective, timely and flexible 24 hour response to incidents, emergencies, and public events.

The full service description goes on to state that the service also includes reduction of incentives and opportunities to commit crime, the provision of a highly visible police presence, and liaison/partnerships with the community and government organisations concerned with maintaining peace, order and public safety.

This service group contributes to reduced rates and fear of crime by working towards a range of intermediate results that include:

- community confidence in the ability of police to act is increased;
- public space is safe to use;
- public order is maintained;
- the community is reassured; and
- personal and public safety is improved.

³ *Report on Government Services 2009*, page 6.21.

⁴ *New South Wales Budget 2009-10*, BP # 3, page 18-11 on.

The three service measures that New South Wales uses to measure its success in this area are:

- time taken to attend 80 per cent of urgent calls;
- time taken to attend 80 per cent of non-urgent calls; and
- reported incidents of non-domestic violence related assault.

This service appears to include all expenditure on preventing crime, as well as on initial responses to crime reports.

Some of the urgent and non-urgent calls referred to in the service measures may not be crime related. Western Australia has conservatively allocated 50% of expenditure in this service to non-crime incidence related drivers.

Supporting this, the *2007-08 New South Wales Police Annual Report*, which uses 'crime', 'public safety' and 'community & partners' as major headings, reports on some crime related activities under 'public safety' and 'community & partners'. As examples, 'reduced levels of antisocial behaviour' is a subheading of 'public safety'; and 'community and partners' includes 'respond to calls within a reasonable time', 'embed prevention and early intervention', and 'cooperate and coordinate with other law enforcement jurisdictions'.

Criminal investigation

This covers crime detection, investigation, provision of forensic services and arresting or otherwise dealing with offenders. It also includes specialist activities to target organised criminal activities and criminal groups, maintenance of forensic databases and criminal records, and liaison with other law enforcement agencies.

One hundred percent of this has been allocated to crime incidence related expenditure for this exercise.

Traffic and Commuter Services

This covers patrolling roads, highways and public transport corridors, investigating major vehicle crashes, detecting traffic and transport offences (particularly those involving alcohol or drugs, and speed), and supervising peak traffic flows. It also includes liaison/partnerships with community and Government bodies concerned with road safety, traffic management and public transport.

The Budget Paper states that:

"This service group contributes to reduced crime and violence, and reduced levels of antisocial behaviour, by working towards a range of intermediate results that include:

- Public space is safe to use.

- Personal and public safety are improved.
- Road crashes and trauma are minimised.
- Behaviour of public transport users is improved.”

Western Australia’s decision to allocate 50% of this expenditure to crime related drivers is considered conservative given that all of the service measures - random breath tests undertaken (which are usually targeted), charges for prescribed concentration of alcohol, and traffic infringement notices - are crime related.

Judicial Support

This service covers judicial and custodial services, prosecuting offenders, presenting evidence at court, including coronial enquiries, providing police transport and custody for persons under police supervision, and providing a high level of support to victims and witnesses.

Western Australia has allocated 100% of expenditure in this area to crime.

Victoria

Victoria provides the following police related outputs:

- providing a safe and secure society;
- community operations; and
- enforcing correctional orders.⁵

Providing a safe and secure society

The Victorian government’s output “Providing a Safe and Secure Society” comprises the following services:

- responding to calls for assistance in matters of personal and public safety, including emergencies, serious incidents and routine response calls;
- detection and investigation of offences and bringing to justice those responsible for committing them;
- supporting the judicial process;
- providing community safety and crime prevention programs; and
- promoting safer road user behaviour and enforcing road safety laws.

⁵ Victoria 2009-10, BP # 3, page 141 on.

In the absence of further data and having regard to the analysis of other States with similar services, we would provisionally rate “responding to calls for assistance”, “providing community safety and crime prevention programs” and the traffic service as 50% crime related, with the other services at 100%.

Financial data for the individual services above could not be located, but some feel for the extent to which the output as a whole is crime related can be obtained by examining its performance measures, which are as follows:

- Quantity:
 - Crime prevention and community safety checks conducted
 - Events responded to (this was footnoted to the effect that its target increased due to a consistent increase in calls for assistance from the community for police attendance at incidents involving potential threats to personal and public safety)
 - Reduction in crimes against the person
 - Reduction in property crime
- Quality
 - Proportion of drivers tested who comply with alcohol limits
 - Proportion of drivers tested who comply with posted speed limits
 - Proportion of drivers tested who return clear result for prohibited drugs
 - Proportion of the community who have confidence in police
 - Proportion of community satisfied with policing services
 - Proportion of successful prosecution outcomes
- Timeliness
 - Proportion of crimes against the person resolved within 30 days
 - Proportion of property crime resolved within 30 days
- Cost
 - Total output cost

Most of the indicators are crime related, while those that do not tend to refer to the whole category, i.e. do not contribute to a crime/non crime split. Consequently, expenditure in this area on crime is likely to be closer to 100% than 50%. Western Australia has allocated 75% of expenditure in this area to drivers of crime.

Community operations

This output comprises:

- Infringement and orders management:
 - Administering traffic infringement notices, penalty payments and referral for enforcement action where required
 - Providing for the coordination of confiscations and the management or conversion of assets tainted through criminal activity
 - Supporting enforcement action by the Office of the Sheriff as and where necessary to ensure judicial fines, court orders and warrants are discharged, and delivering fines enforcement services to other state and local government agencies
- Community safety and crime prevention:
 - Protecting children from sexual or physical harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body
 - Contributing to the implementation of crime prevention initiatives with particular focus on addressing the over representation of the Indigenous population in the criminal justice system

One hundred per cent of this output has been allocated to drivers of crime. It is worth noting that the crime prevention service includes initiatives which have an explicit socio-demographic focus.

Queensland

Queensland reports the following police outputs:

- community safety and engagement;
- crime management;
- traffic policing; and
- professional standards and ethical practice.⁶

As professional standards and ethical practice is applied to the way the police carry out their duties in producing the other outputs, it is considered an overhead for the purpose of this exercise and its cost has been proportionally distributed to the other overheads.

⁶ *Queensland Budget 2009-10*, BP # 5, page 1-33 on.

Community safety and engagement

The activities comprising this output can be deduced from the performance measures used to measure it, which are:

- rate of unreported offences for 4 types of crime;
- level of community satisfaction with police generally;
- perceived level of personal safety (in 3 circumstances) and neighbourhood problems (for 3 types of crime);
- satisfaction with police support for community programs;
- percentage of persons concerned about being a victim of 4 types of crime;
- good order offences detected (number and rate detected); and
- level of community satisfaction with police dealing with public order problems.

The bulk of the indicators refer to crime rates and public perceptions of crime rates, only one referring to community programs. In addition, this output deals with good order offences and unreported crimes, neither of which are measured under the crime management output. Consequently, Western Australia has allocated 75% of this output to drivers of crime.

Crime Management

The bulk of the reported indicators under crime management deal with personal safety and property security offences which are reported, cleared, and both reported and cleared within the period.

There are also three indicators of public satisfaction, two of which are related to crime – satisfaction with initial police response and with response from specialist officers.

Part of the last indicator, satisfaction of members of the public who had contact with police in the last twelve months, may be unrelated to crime but this is a minute proportion of the thrust of the output and has been incorporated into the weighting of the previous output. Consequently, 100% of this output has been considered to drivers of crime.

Traffic Policing

Indicators for this output are:

- number of vehicles monitored per offences for speed cameras and red light cameras;
- crashes and crash fatalities per causal factor (speed, alcohol, fatigue, pedestrians and, in the case of fatalities, seatbelts); and

- hospitalisations following crashes.

Given the use of cameras to monitor for offences, and the addressing of causes – including offences - of crashes, 50% of spending in this output has been allocated to drivers of crime.

Western Australia

The Western Australia Police is funded to provide the services which are listed below (along with the outcomes to which they are to contribute):

- intelligence and protective services (outcome – lawful behaviour and community safety);
- crime prevention and public order (outcome – lawful behaviour and community safety);
- community support (non-offence incidents) (outcome – lawful behaviour and community safety);
- emergency management and coordination (outcome – lawful behaviour and community safety);
- response to and investigation of offences (outcome – response to and investigation of offences);
- services to the judicial process (outcome – response to and investigation of offences);
- traffic law enforcement and management (outcome – lawful road-user behaviour); and
- implementation of the State crime prevention strategy (outcome – a safer and more secure community).⁷

Intelligence and protective services

The Budget Papers expand on this to say it incorporates a range of specialist criminal intelligence analysis techniques and partnerships to target offenders and crime hot spots in order to ensure safety in the community, prevent and reduce crime. However, as a number of the activities taken under the heading are related to protection of international persons and airport security, only 50% of its expenditure has been allocated to drivers of crime.

⁷ *Western Australia Budget 2009-10, BP # 2, page 562 on.*

Crime prevention and public order

This is a 24 hour service to respond in a timely way to the needs of communities. However, as it includes liaising with the community, only 50% of its expenditure has been allocated to drivers of crime.

Community support (non-offence incidents)

No expenditure on this service has been allocated to drivers of crime, even though some of it is related to restraining order inquiries, compiling missing person reports (which may turn out to relate to crimes) and handling Crime Stoppers inquiries (i.e. public providing information on crimes).

Emergency management and coordination

No expenditure on this service has been allocated to drivers of crime.

Response to and investigation of offences

All expenditure on this service has been allocated to drivers of crime, as it relates to responding to and investigating offences to bring offenders before the justice system.

Services to the judicial process

All expenditure on this service has been allocated to drivers of crime.

Traffic law enforcement and management

Activities contributing to this service include:

- deterring and detecting alcohol and drug related driving offences including crashes;
- conducting stationary speed operations involving speed cameras and hand held radar laser units;
- conducting targeted traffic law enforcement operations such as random breath tests;
- attending and conducting investigations and follow up inquiries that may be required; and
- providing community education and raising awareness on road safety issues.

The thrust of the activities is preventing and investigating offences and resulting crashes, but as there is an activity relating to community education only 50% of expenditure has been allocated to drivers of crime.

Implementation of the State crime prevention strategy

No expenditure on this activity has been allocated to drivers of crime.

South Australia

South Australia delivers police services under the following programs:

- public order;
- crime prevention;
- road safety;
- emergency response and management; and
- criminal justice services.⁸

Public order

Public order is addressed with two sub-programs, police response services (95.5% of expenditure on the program) and event management.

Police response services deals with response to crime, its performance measures including percentage of call centre calls answered within 10 seconds, number of offences against public order recorded per 100 head of population and percentage of DNA links of persons to crime scenes that contribute to an arrest or report.

However, as the number of operational stations is also an indicator, Western Australia has conservatively allocated 75% of expenditure in this area to drivers of crime – even though the number of police stations may reduce if the crime rate subsided.

Crime prevention

Crime prevention is achieved through the investigation and management of crimes together with community programs and education.

Three sub-programs deal with each of crimes against the person, crimes against property and illegal drug activity. In each case the performance measures are mainly crime rate statistics, along with a few measurement of community perception of community concern with that kind of crime.

Community programs and prevention comprises 11.8% of expenditure in this area. It operates in accordance with the Crime Prevention Strategy, which has a focus on improving public safety by intervening in the factors that lead to crime.

Due to the small percentage of the program that deals with community programs and education and the targeting of that expenditure to factors that lead to crime, 100% of crime prevention expenditure has been allocated to drivers of crime.

⁸ *South Australia Budget 2009-10*, BP # 4, page 7.11 on.

Road safety

This program comprises the following three subprograms:

- road use regulation;
- road use education; and
- vehicle collision prevention.

Road use regulation includes targeted, directed and general patrols, operating speed cameras and random mobile and static breath testing stations, and controlling traffic and incidents and special events. The commentary states that speed detection, random breath testing and enhancing community awareness through enforcement of road traffic legislation aims to reduce the number of offending road users.

Road use education (which comprises only 12.6% of expenditure on the program) includes the Traffic Watch initiative, under which members of the public can report dangerous driving to the police. Traffic Watch expenditure would be driven by rates of dangerous driving (as well as the willingness of the public to report it).

Vehicle collision prevention (17.7% of expenditure on the program) includes promoting road safety through the media, attending and investigating vehicle collisions, collecting and analysing data, and conducting research on the reasons for major vehicle collisions. Only a minority of this expenditure would be driven by crime rates.

Due to the allocation of some expenditure to general patrols, road use education media contact and research, only 50% of this expenditure has been allocated to drivers of crime.

Emergency response and management

Emergency response and management comprises subprograms for emergency response, and emergency management and coordination.

Emergency response (22.1% of expenditure) deals with calls received by the police call centre. Emergency management and coordination includes both declared major crimes and assistance with emergencies such as fires – consequently its performance indicators include both the number of emergency incidents in the metropolitan area managed by the South Australian Police (61,367) and the number of joint emergency services exercises conducted (73).

Although the majority of this expenditure appears to relate to police emergencies, Western Australia has conservatively only allocated 50% of expenditure in the program to drivers of crime.

Criminal Justice Services

This program comprises subprograms for criminal justice services and custodial services.

One hundred per cent of expenditure in the program has been allocated to drivers of crime.

Tasmania

Tasmania produces the following police outputs (which it classifies under the parenthesised output groups):

- support to the community (public safety);
- investigations of crime (crime);
- poppy security (crime);
- fisheries security (crime);
- support to judicial services (crime); and
- traffic law enforcement and road safety (road safety).⁹

Support to the community

This output is focused on providing a high level of visible front line policing and improving personal safety. Indeed, the performance indicators include the number of radio despatch incidents, assaults in public places and public order type incidents (public disturbances, vandalism, vehicle complaints, offensive behaviour and noise complaints from the public).

The *2007-08 Tasmanian Police Annual Report* indicates that this output includes support to neighbourhood watch and the work of response teams which focus their work on reports of antisocial behaviour, patrols based on intelligence, visiting police to provide advice and attending sporting events. Community support also includes working with police and community youth clubs.

Although some expenditure in this output is affected by drivers of crime (e.g. intelligence directed patrols) and some from pure community work (police and community youth clubs) it was difficult to determine the expenditure break up from the information provided in the Budget Papers and Annual Report. Consequently, only 50% of this output has been attributed to drivers of crime.

⁹ *Tasmania Budget 2009-10*, BP #23, page 9.1 on.

Investigations of crime, poppy security, fisheries security and support to judicial services

One hundred per cent of investigations of crime and support to judicial services has been allocated to drivers of crime.

While poppy and fisheries offences may be influenced by youth and maleness, in the absence of further information it was felt best to attribute zero per cent of them to drivers of crime.

Traffic law enforcement and road safety

This output is focused on delivering improved driver behaviour through traffic law compliance and road safety education. It aims to reduce the level of high risk offences by increasing visibility of police patrols, conducting traffic operations and the attendance and investigation of accidents on Tasmanian roads.

As this output is focused on high risk offences, includes responses to accidents and has performance indicators that include offence rates, 50% of expenditure was allocated to drivers of crime.

Northern Territory

The Northern Territory provides police services under the following outputs:

- community safety and crime prevention;
- response and recovery services;
- investigations;
- services to the judicial process; and
- road safety services.¹⁰

Community safety and crime prevention

The Budget Paper lists the following services under this output:

- intelligence-led and problem-solving policing;
- targeting repeat offenders and crime 'hot spots';
- visible patrolling, crime prevention and education programs; and
- developing and testing plans to respond to threats and minimise their impact.

These services indicate that the allocation of expenditure in the area is cognisant of drivers of crime, so Western Australia has allocated 50% to crime drivers.

¹⁰ *Northern Territory Budget 2009-10, BP # 3, page 47 on.*

Response and recovery services

This output concerns response to calls for assistance to the police from the community. It includes call centre operations, response tasking, incident attendance, search and rescue operations and incident recovery service.

The output includes search and rescue, so only 50% of its expenditure has been allocated to drivers of crime.

Investigations and services to the judicial process

The investigations output comprises activities undertaken to respond effectively to crime, through activities including crime intelligence, crime scene examination, crime investigation and forensics.

Services to the judicial process are prosecution services, court case and evidence presentation, bail processing and reporting, support to the Coroner, court security, custody and transport of persons, care and protection of victims and witnesses and diversion of juveniles from the criminal justice system.

One hundred per cent of these outputs has been allocated to drivers of crime.

Road safety services

This output provides education and enforcement activities to develop good driving behaviour and compliance with road laws, including providing the capacity to respond to motor vehicle accidents and adequate investigation and reporting to the Coroner and other relevant stakeholders.

Although expenditure on the output relates both to offences and accidents, as it also includes education Western Australia has allocated only 50% of its expenditure to drivers of crime.

The Australian Capital Territory

The ACT makes a payment to the Australian Federal Police for services including the protection of persons and property, crime prevention and detection, maintaining peace and good order and the enforcement of ACT laws.

As the funding is not further sub-divided the ACT's police funding is assumed to follow the same pattern as that of the rest of Australia.

Summary of community/crime expenditure allocations

The States' allocation of community driven and crime driven is police expenditure is summarised in Table 1.

Even with the allocation being made conservatively, approximately 75% of police expenditure is influenced by drivers of crime. Therefore, if the Commission does limit the proportion of police expenditure which is affected by the socio-demographic composition factor, that proportion should not exceed 25%.

Table 1: Proportion of police expenditure influenced by drivers of crime

State/service	\$m	Crime driven %	\$m
New South Wales			
Community support services	1,396.745	50	698.373
Criminal investigation services	649.911	100	649.911
Traffic and commuter services	225.024	50	112.512
Judicial support	191.131	100	191.131
Victoria			
Providing a safe and secure society	1,918.500	75	1,483.875
Community operations	259.600	100	259.600
Queensland*			
Community safety and engagement	653.004	75	489.753
Crime management	636.838	100	636.838
Traffic policing	415.971	20	207.985
Western Australia			
Intelligence and protective services	65.108	50	32.554
Crime prevention and public order	72.637	50	36.319
Community support (non-offence incidents)	74.838	0	0
Emergency management and coordination	35.443	0	0
Response to and investigation of offences	391.185	100	391.185
Services to the judicial process	108.128	100	108.128
Traffic law enforcement and management	194.19	50	97.095
Implementation of the State Crime Prevention Strategy	7.930	0	0
South Australia			
Public order	246.147	75	184.610
Crime prevention	204.290	100	204.290
Road safety	71.958	50	35.979
Emergency response and management	38.900	50	19.450
Criminal justice services	76.978	100	76.978
Tasmania			
Support to the community	106.558	50	53.279
Investigation of crime	38.635	100	38.635
Poppy security	1.098	0	0
Fisheries security	5.594	0	0
Support to judicial services	10.44	100	10.44
Traffic law enforcement and road safety	17.019	50	8.510
Northern Territory			
Community safety and crime prevention	78.348	50	39.147
Response and recovery services	45.580	50	22.790
Investigations	66.692	100	66.692
Services to the judicial process	36.599	100	36.599
Road safety services	19.850	50	19.850
Total	8,360.869	74	6,157.609

Source: State Budget Papers 2009-10

*Professional standards and ethical practice expenditure has been treated as an overhead and allocated to other outputs on a pro rata basis.