

WESTERN AUSTRALIAN FEBRUARY 2009 SUBMISSION

CGC2008/23 JUSTICE SERVICES

Key Points

- Western Australia contends that, although some general policing may be provided to the community on the whole, most police activity is driven by the community socio-demographic make-up - including provision of a visible presence and attendance at public events. Also:
 - Expenses on domestic violence activity, provision of a visible presence and attendance at public events (all driven by high-offender groups), form a substantial proportion of police community safety and support activity spending; and
 - Despite data to the contrary, the Commission surprisingly concludes that particular population groups do not influence the majority of expenses on road safety and traffic management programs.
- All policing activities are inextricably connected, so that police responses to most crime incidents (where expenses are driven by high-offender groups), include significant components of community safety and support.
- Western Australia acknowledges that a proportion of police expenses are not driven by offender population groups and that this should be reflected in an equal per capita component of this assessment.
 - However, 50 per cent is too high. Our interpretation of available data suggests a differential to EPC assessment of about 75:25.
- Western Australia considers that there is no compelling reason for discounting police custody data by 50 per cent, as Indigenous offending is not weighted to less serious crimes.
 - Further, imprisonment rates, which are naturally adjusted for seriousness, indicate that the police custody data are reasonable.
- Western Australia agrees with the CGC staff's decision to include use data for 10–15 year old children in the assessment.
 - In addition, we agree with the Commission's decision not to assess CALD and urban complexity.
 - We believe the socio-economic status factor needs more research, and we are undertaking this research using WA data.
- In addition to the Commission finding service delivery scale in police, Western Australia has found such effects in both corrective services and courts.

DISCOUNTING POLICE EXPENSES

The Commission is inclined to assess police expenses using weighted populations of high-offender groups, based on police custody data. However, it proposes discounting the weightings twice, by:

- assessing 50 per cent of police expenses equal per capita; and
- discounting police custody rates by 50 per cent due to its perceived deficiency.

Assessing 50 per cent of police expenses equal per capita

The Commission has proposed two justifications for differentially assessing only 50 per cent of police expenses, and assessing the remaining 50 per cent EPC, which are that:

- not all police expenses are influenced by high-offender population groups; and
- staffing levels are influenced by a large number of factors, including policy.

Population-group influence on police expenses

The Commission's rationale that 50 per cent of police spending is for the community on the whole, and not influenced by high-offender population groups, is as follows:

- For community safety and support activities (50 per cent of total spending), population groups do not influence some expenses, e.g., search and rescue assistance, anti-terrorism, attendance at public events, provision of a visible presence and expenses on water police.

* The Commission accepts that population groups influence domestic violence calls.

- For road safety and traffic management (10 per cent of spending), while some population groups are overrepresented, the majority of expenses are provided for the community as a whole.

Western Australia contends that, although some general policing may be provided to the community as a whole, most police staffing, presence and activity is driven by the community socio-demographic make-up.

- High-offender populations influence provision of a visible presence and attendance at public events.

- Police presence is much greater for areas and events involving young males and Indigenous persons (compare nightclub precincts to average suburbs in any major city; and, in Western Australia, compare the “Big Day Out” to the Leeuwin Estate Winery concert¹).

The Commission considers that 83 per cent of combined community safety and support and road safety and traffic management activities are for the community as a whole. However, Western Australia Police informs us that:

- Combined domestic violence activity, provision of a visible presence and attendance at public events (where expenses are driven by high-offender groups), forms a substantial proportion of police community safety and support activity spending.

* By comparison, spending on water police, anti-terrorism and search and rescue assistance is a much smaller proportion of spending.

- Similar high-offender groups are overrepresented in road safety and traffic management activities.

The Commission concedes that:

- both major “risk” groups—the Indigenous and males under the age of 35—are nearly 3 times more likely to be fatally injured in a car crash; and
- resource allocation decisions are influenced by speeding and drink driving trends.

However, the Commission surprisingly concludes that particular population groups do not influence the majority of expenses on road safety and traffic management programs.

Western Australia considers that resources aimed at enforcing traffic laws and promoting road safety with the objective of reducing the road toll, as described by the Commission, are targeted to these high-offending demographics.

Further, all policing activities are inextricably connected:

- Western Australia Police comment that separating expenses into the four SDAs is problematic as police activity is so interwoven.
- All major components of community safety and support involve resources for either or both crime incidents or risk of offending (see Table 1). Both crime incidents and risk of offending are driven by specific population groups.

¹ Both are annual music concerts. The former is attended by younger people to see contemporary rock bands; the latter by families and more mature people to see more classical entertainment. Per capita police spending for the former far exceeds that for the latter (where extra police activity is negligible).

- Police responses to most crime incidents include significant components of community safety and support.
 - * When a crime is committed, police respond to the call for assistance (crime investigation) and support the victim (community safety and support). Police investigate the crime using evidence and witnesses in order to identify a suspect (crime investigation). In consultation with the public (community safety and support/crime investigation) the suspect is captured (crime investigation). Police also prepare court briefs and provide transport for the suspect (services to judiciary). The criminal courts try the suspect who, if convicted, may be incarcerated by corrective services. There are also police programs to protect witnesses (community safety and support).

As such, although some activity may seem to be general policing, providing a service to the community as a whole, it is in fact driven by the community's socio-demographic profile.

Western Australia acknowledges that a proportion of police expenses is not driven by offender population groups and that this should be reflected in an equal per capita component of this assessment.

- However, 50 per cent is too high. A generous interpretation of Table 1 might suggest that 50% of community safety and support activity is not affected by population groups, implying a differential to EPC assessment of about 75:25 for police overall.

Table 1. Major Components of Community Safety and Support

Activity Groups	% Contribution (hours)	Related to crime incidents	Related to risk of offending	Other
1 Intelligence-led policing	20%	No	Yes, e.g., using criminal analysis to target offenders and crime hotspots	No
2 Protective services	7%	Yes, e.g., witness protection	No	Yes, e.g., VIP protection
3 Policing public events	3%	No	Yes, e.g., policing Perth Skyshow and Big Day Out concert	Yes, e.g., policing classical music concert
4 Community policing activities (non-traffic)	18%	Yes, e.g., victim support	Yes, e.g., targeted patrolling	Yes, e.g., maintaining a visible police presence
5 Community education and awareness (non-traffic)	4%	Yes, e.g., advice to victims	Yes, e.g., 'burglar beware' initiative	Yes, e.g., Police Citizen's Youth Club
6 Regulatory processes administered by police	14%	No	Yes, e.g., selective issuing of firearms licences	Yes, e.g., issuing of police clearance certificates
7 Community response - tasking (non-offence)	34%	Yes, e.g., handling 'crime stoppers' inquiries	Yes, e.g., response to call about suspicious person	Yes, e.g., provision of general information
Total 7 Activities	100%			

Note: Reproduced from the Western Australian submission of March 2007

Source: Western Australia Police

Policy influences on police staffing levels

During workplace visits, the Commission heard that police resource allocation decisions are driven by a large number of factors, including State policy. The importance attached to "State policy" seems surprising, as this is an issue across all categories.

- If public concern causes arbitrary decision-making in police spending, the effect would only be to introduce a random element into interstate and intertemporal spending patterns.

* This would merely impose variability around standard policy.

- Policy variation is ubiquitous and has no relevance to equalisation. Rather, it is the Commission's task to tease out average policy.
- Stated policy does not change the underlying needs that the police force must deal with.
- Police activity data (used in making an assessment of need by the Commission) is based on what States actually do, and incorporates the impact of States' average resource allocation policies.

Western Australia therefore considers that the cited policy argument does not provide a basis for a partial EPC assessment.

Discounting police custody data

In addition, the Commission discounts police custody rates by 50% because it considers that the data fails to acknowledge the complexity, and therefore expense, of investigating different forms of crime.

It further considers that sociodemographic factors, particularly Indigeneity, impact more greatly on the simpler, and cheaper to investigate, crimes such as being drunk and disorderly.

Based on advice from Western Australia Police, we accept the following propositions:

- more serious crimes tend to be more complex to investigate; and
- generally the more complex a crime is to investigate, the more expensive it is to investigate.

However, Western Australia considers that there is no compelling reason for this discount, as:

- while there may be differences in the offending patterns of Indigenous and non-indigenous persons, Indigenous offending is not weighted to less serious crimes.
- while drunk and disorderly behaviour may be simpler to investigate, public drunkenness absorbs a considerable amount of non-investigative police resources².

Indigeneity and Offence Classifications

Table 2 shows Indigenous and non-indigenous arrests in Western Australia.

² The Western Australia Police advised that a public drunkenness incident may absorb considerable police time without proceeding to conviction.

Table 2. Distinct persons arrested in Western Australia, 2005, by Indigeneity and offence

	Indigenous Offending		Non-indigenous Offending		Indigenous to non-indigenous
	#	Rate per 100,000	#	Rate per 100,000	Ratio
Murder	12	16.91	26	1.31	12.93
Manslaughter & Driving Causing Death	10	14.09	37	1.86	7.57
Assault	2,782	3,920.19	3,955	198.90	19.71
Other Acts Intended to Cause Injury	0	0.00	4	0.20	0.00
Sexual Assault	128	180.37	370	18.61	9.69
Non-Assaultive Sexual Offences	12	16.91	53	2.67	6.34
Dangerous Operation of a Vehicle	837	1,179.44	2,489	125.18	9.42
Other Dangerous or Negligent Acts	9	12.68	11	0.55	22.92
Abduction & Kidnapping	0	0.00	1	0.05	0.00
Deprivation of Liberty/ False Imprisonment	6	8.45	31	1.56	5.42
Robbery	167	235.32	217	10.91	21.56
Blackmail & Extortion	0	0.00	1	0.05	0.00
UEWI/ Burglary, Break & Enter	830	1,169.57	914	45.97	25.44
Motor Vehicle Theft & Related Offences	138	194.46	181	9.10	21.36
Theft (Except Motor Vehicles)	580	817.29	1,679	84.44	9.68
Receiving or Handling Proceeds of Crime	56	78.91	209	10.51	7.51
Fraud, Forgery or False Financial Instruments	95	133.87	680	34.20	3.91
Counterfeiting Currency & Related Offences	0	0.00	3	0.15	0.00
Dishonest Conversion	9	12.68	230	11.57	1.10
Bribery	0	0.00	0	0.00	na
Other Deception Offences	4	5.64	22	1.11	5.09
Deal or Traffic in Illicit Drugs	150	211.37	920	46.27	4.57
Manufacture or Cultivate Illicit Drugs	19	26.77	484	24.34	1.10
Possess and/ or Use Illicit Drugs	107	150.78	1,248	62.76	2.40
Other Illicit Drug Offences	22	31.00	132	6.64	4.67
Prohibited Weapons/ Explosives Offences	201	283.23	540	27.16	10.43
Regulated Weapons/ Explosives Offences	98	138.09	450	22.63	6.10
Property Damage	397	559.42	907	45.61	12.26
Environmental Pollution	3	4.23	20	1.01	4.20
Disorderly Conduct	886	1,248.49	2,292	115.27	10.83
Regulated Public Order Offences	130	183.19	233	11.72	15.63
Driving Licence Offence	370	521.38	1,486	74.73	6.98
Road Vehicle Reg'n & Roadworthiness Offences	4	5.64	17	0.85	6.59
Regulatory Driving Offences	718	1,011.75	2,984	150.07	6.74
Breach of Justice Order	786	1,107.57	1,235	62.11	17.83
Other Offences Against Justice Procedures	352	496.01	1,057	53.16	9.33
Offences Against Government Security	0	0.00	2	0.10	0.00
Offences Against Government Operations	1	1.41	3	0.15	9.34
Harassment & Related Offences	145	204.32	344	17.30	11.81
Public Health & Safety Offences	28	39.46	15	0.75	52.30
Commercial/ Industry/ Financial Regulation	0	0.00	23	1.16	0.00
Other Miscellaneous Offences	0	0.00	3	0.15	0.00
Total	10,092	14,220.89	25,508	1,282.83	11.09

Note. The shading (and lack of shading) delineates broad categories of offending. Bold, italicised figures are greater than the mean Indigenous to non-indigenous ratio. Excludes arrests of persons of unknown indigeneity, age and sex.

Source. *Crime and Justice Statistics for Western Australia: 2005*, Crime Research Centre

While the pattern of indigenous offending differs from non-indigenous offending, this appears unrelated to seriousness of offence type.

- As an example, the ratio of indigenous to non-indigenous offending increases with seriousness in the theft category—from receiving or handling proceeds of crimes, to theft, to motor vehicle theft.
- The bold, italicised Indigenous to non-indigenous ratios indicate above-average over-representation of Indigenous offending. They occur over a range of crime severity (in 10 of the 16 categories), from murder and assault down to harassment and public health offences.

Imprisonment Rates as a Guide to Severity

Examining imprisonment rates also tests whether indigenous offending is weighted away from serious offending.

These are logically related to police custody rates, as people are taken into custody on suspicion of having committed offences, and they are imprisoned on the basis of conviction of offences.

Unlike criminal court appearances, they also tend to adjust for the severity of offences. Imprisonment rates are adjusted by:

- screening out people who have been convicted of less serious offences, who consequently received fines, suspended sentences or community-based orders; and
- weighting towards people with longer sentences.

* This is because imprisonment rates are based on the actual prison population, as opposed to admission numbers to prison in a time period. Longer sentences tend to be given to people who have committed more serious offences³, and Western Australia Police has advised that such offences tend to be more complex and require more resources.

Imprisonment rates provide an independent test of the reasonableness of the 50 per cent discount.

- That is, if it is correct that the identified population groups concentrate on less serious offending, they would have a smaller weighting in the prison population than in the raw custody data.

³ ABS Prisoners in Australia 4517.0 2007 at page 3: “The majority of prisoners in the annual Prisoner Census were serving long-term sentences for serious offences, whereas the flow of offenders in and out of prisons consists primarily of persons serving short sentences for lesser offences.”

- Further, because the least serious (unimprisoned) offenders are excluded from the imprisonment data, imprisonment ratios should be even less than their representation in the discounted custody data, for the discounting to be appropriate.

Table 3 compares police custody incident ratios and imprisonment ratios, as calculated by the Commission, in raw and discounted form.

- However, the imprisonment ratios are above the discounted custody ratios for all groups
 - * Indeed, for the highest offending group, Indigenous males aged 15-34, the imprisonment ratio is 13% higher than the raw custody ratio, and 126% higher than the discounted custody ratio, implying that even the raw custody ratio underestimates the extent and seriousness of offending by this group.⁴
- Imprisonment ratios for non-indigenous young males and Indigenous 'other' are below custody ratios, but they are proportionally closer to raw custody ratios than they are to discounted custody ratios, implying that the raw custody ratios are a more accurate guide to the costs imposed by these population groups to police.
 - * However, for Indigenous young males, the ratio rises, which could indicate the severity of their crimes, or in the least, that even the raw custody ratios are inadequate.

Table 3. Comparison of custody and imprisonment ratios

Population Group	Custody ratios	Discounted custody ratios	Imprisonment ratios
Indigenous males 15-34	68	34	77
Non-Indigenous males 15-34	7	3	6
Indigenous other	20	10	15
Non-Indigenous other	1	1	1

Note. Custody incidents are for 2002 and imprisonment for 2007.

Source. CGC 2008/23, Attachment A

In summary, this indicates that custody data does not overstate the seriousness of offending by people who are young, male and/or Indigenous.

SERVICE USE

Western Australia agrees with the CGC staff's decision to include use data for 10–15 year old children in the assessment. In addition, we agree with the Commission's decision not to assess:

⁴ 77 compared to 68 and 77 compared to 34, respectively

- urban complexity; and
- CALD.

However, we consider that further analysis is needed on the impact of socio-economic status.

Socioeconomic Status

Western Australia is concerned that the apparent relationship between SES and offences may still be picking up Indigeneity and young males.

- Removing areas from the analysis that have a high proportion of Indigenous residents will not remove this effect.
 - * This is because residents of an area with a moderate Indigenous population may still be more likely to commit offences than the average person in that area, if they are young, indigenous and/or male.
- It is also unclear to what extent the higher offence rate in the remaining low SEIFA areas is attributable to a higher proportion of young males than in the remaining high SEIFA areas.
 - * It is not inconceivable to imagine that young males' SES would improve with age; and if so
 - * cross-classifying to account for this group could flatten the relationship with SES.

Western Australian data was not used in the CGC analysis because it was provided by suburb (which is more detailed than postcode), whereas other States provided data by postcode.

- We are currently examining our data.
- We want to ascertain whether suburb-level data vs postcode-level data has a material bearing on the result, and how WA compares to other States.
- We will also compare the Commission's discrete approach with a regression analysis of offenders per capita against SEIFA scores, Indigenous rates and young males rates by suburb and postcode.
- We will provide the Commission with the results as soon as possible.

Service Delivery Scale

At the December 2008 meeting with Grants Commission staff, States were told that the Commission is confident of finding service delivery scale for police using population density data.

- In addition, Western Australia has found service delivery effects in both corrective services and courts.

- * We consider it appropriate that this factor be assessed for the entire justice category.

Corrective Services

Analysis of prisons data from the Western Australian Department of Corrective Services confirms that corrective services are subject to scale effects.

Three preliminary comments are that:

- the analysis was restricted to Western Australian prisons;
- it is complicated by the existence of different levels of security classifications of prisoners; and
- because of its size, Western Australia is obliged to provide regional prisons to enable family contact for prisoners and to maintain Aboriginal prisoners' links to 'country'
 - * the latter promotes reintegration and is related to the strong cultural meaning of place in Aboriginal society.

The results are shown in Figure 1 and Figure 2.

- Figure 1 shows, that by prison security level, staff/prisoner ratios generally decline with increased daily average population.
 - * Note, the percentage of prisoners in each personal security classification level is displayed in the figure as maximum/medium/minimum.

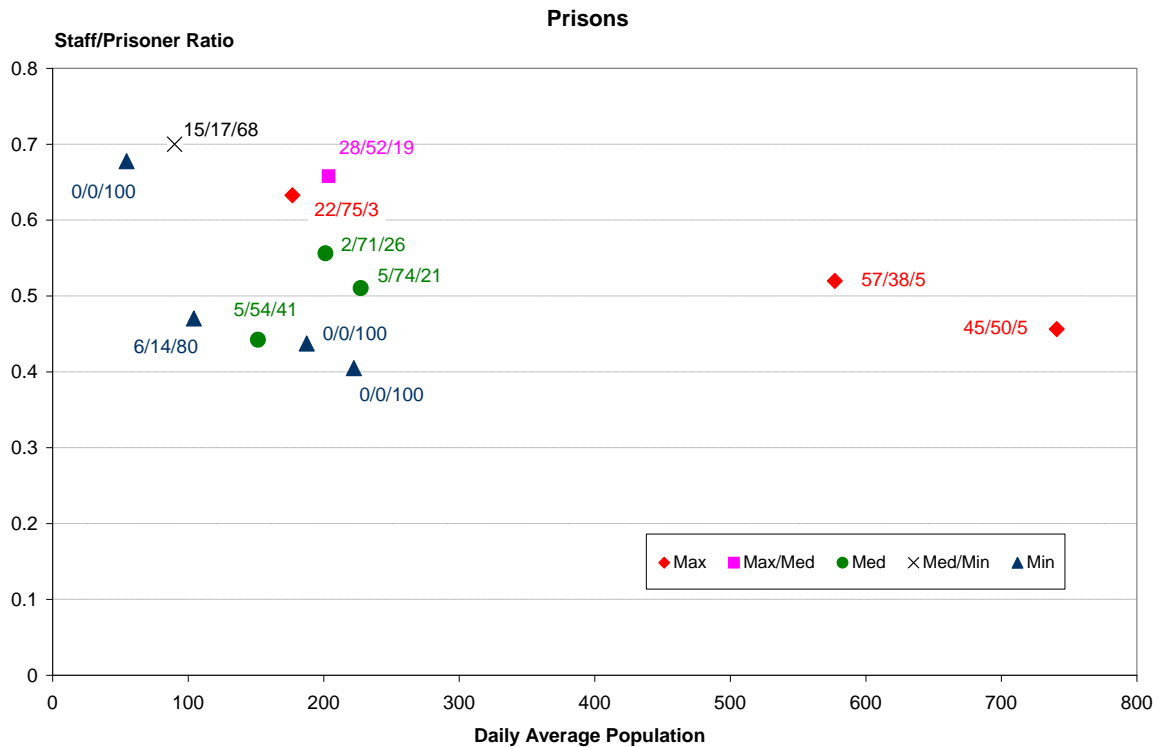


Figure 1. Evidence of service delivery scale in prisons

- Table 4 summarises these assessments.

Table 4 Evidence of service delivery scale by security level classification

Security level classification	Service delivery scale evident?
Maximum only	Yes
Maximum plus sole max/med prison	Yes
Medium plus sole max/med prison	No
Medium only	No
Medium plus sole med/min prison	Yes
Minimum plus sole med/min prison	Yes
Minimum only	Yes

- The medium-security prisons fail to show this declining trend due to the Roebourne Regional Prison (left-most medium-security data point), which has a higher percentage of minimum security prisoners than the other medium security prisons.

* If Roebourne were to be reclassified (for these purposes) as a medium/minimum prison, then all results in Table 4 would indicate evidence of service delivery scale.

- Figure 2 shows, that for Work Camps, a trend to decrease staff prisoner ratios at higher daily average population is evident.

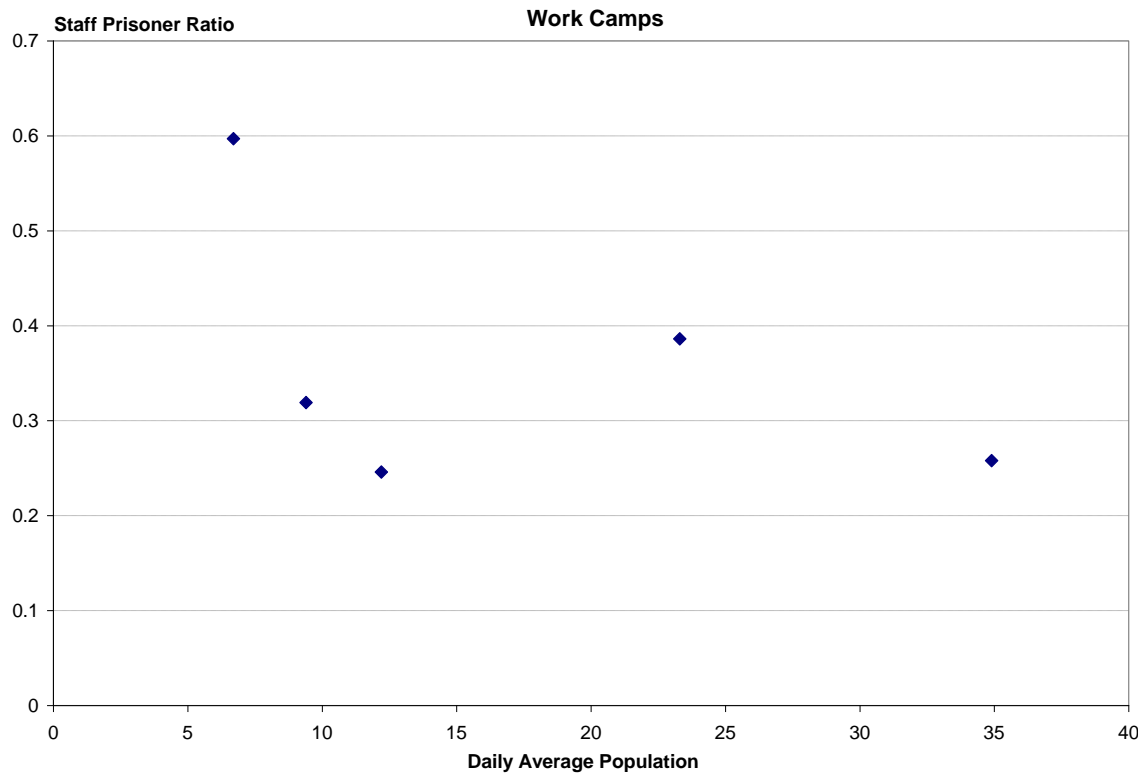


Figure 2. Evidence of service delivery scale in work camps

Having confirmed that service delivery trends are evident within each security classification, weights were assigned to prisoner's security classifications to enable prison comparison.⁵

Figure 3 indicates service delivery scale across prisons generally.

⁵ A weight of 2 is given for maximum-security prisoners, consistent with the Commission's previous treatment; see 2004 Review Working Papers, Vol. 6 p. 4,465. In addition, medium security prisoners were assigned a mid point weighting of 1.5. Minimum-security prisoners are assigned a weight of 1.

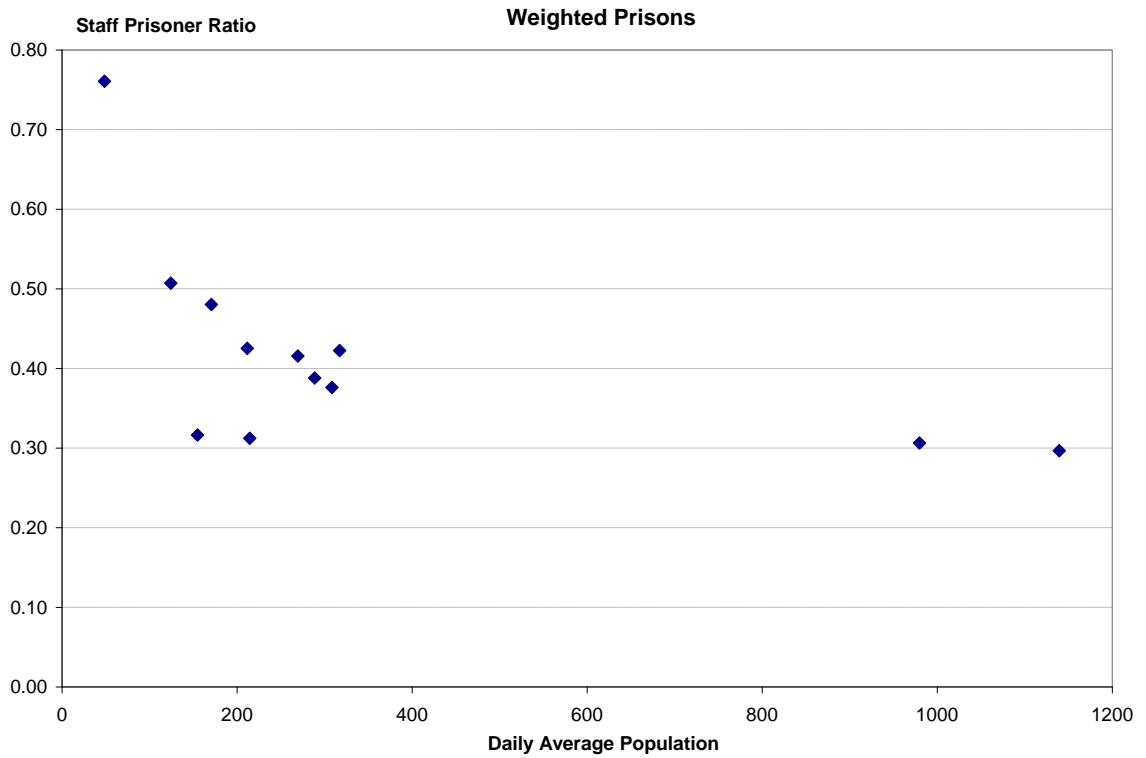


Figure 3. Evidence of service delivery scale in weighted prisons

Table 5 shows that, when classified by remoteness, the weighted staff/prisoner ratio for combined remote prisons is 0.38, 13% more than the combined ratio (0.34) for accessible prisons (despite the inclusion in accessible prisons of the specialised Boronia Pre-Release Centre for Women).

Table 5 Staff to weighted prisoner ratios by remote and accessible prisons

Prison	Staff/Weighted Prisoner
<i>Remote</i>	
Albany Regional Prison	0.42
Broome Regional Prison	0.32
Greenough Regional Prison	0.38
Eastern Goldfields Regional Prison	0.51
Roebourne Regional Prison	0.31
Total Remote ^a	0.38
<i>Accessible</i>	
Bandyup Women's Prison	0.39
Boronia Pre Release Centre for Women	0.76
Bunbury Regional Prison	0.42
Casuarina Prison	0.31
Hakea Prison	0.30
Karnet Prison Farm	0.48
Wooroloo Prison Farm	0.43
Total Accessible ^a	0.34

Note. a) figures are derived from total staff and prisoner numbers for remote and accessible areas respectively.

Source. Western Australian Department of Corrective Services

Western Australia considers that this constitutes a basis for assessing service delivery scale in the corrective services component of the Justice services category.

Courts

Analysis of data obtained from the Western Australian Department of the Attorney General shows that courts also experience economies of scale.

Broadly, the three levels of courts in Western Australia are the:

- Supreme Court (one only; situated in Perth);
- District Courts (all based within the Perth metropolitan area); and
- Magistrates Courts

Consequently, the study was restricted to Magistrates Courts.

Table 6 shows that the FTE per case ratio is 28% higher in regional areas, clearly demonstrating the extent of service delivery scale on court services.

Table 6 Cases lodged in Western Australian Magistrates Courts, 2007-08

	Regional	Metropolitan	Regional/Metropolitan %
Cases lodged	40,925	118,266	35
FTEs	101.8	229.5	44
FTE per 1,000 cases	2.5	1.9	128

Source. Western Australian Department of the Attorney General

Accordingly, Western Australia requests a service delivery scale factor also be assessed for the courts component of the Justice services category.