Working together for Western Australia to reform our criminal justice system
A word from the Ministers

The work of the Justice Planning and Reform Committee is fulfilling this Government’s commitment to bring fresh ideas and new resources to make our criminal justice system smarter, safer and fairer to benefit all Western Australians.

John Quigley  
Attorney General; Minister for Commerce

The drivers behind any movements in Western Australia’s prisoner population are complex. The Justice Planning and Reform Committee’s evidence-based approach to medium and long-term planning is contributing to a comprehensive reform, rehabilitation and rebuilding of the prison system.

Francis Logan  
Minister for Emergency Services; Corrective Services

Community safety is always the first priority for this Government. A whole of system approach to reform is essential to ensure much-needed improvements to some parts of our criminal justice system do not unintentionally reduce safety in others. The work of the Justice Planning and Reform Committee is bringing this essential oversight.

Michelle Roberts  
Minister for Police; Road Safety
Justice Planning Reform Committee

The Justice Planning and Reform Committee (JPRC) was established by the State Government to take a holistic, collaborative approach to making our criminal justice system work more effectively and efficiently, with a particular focus on slowing the growth of the adult prisoner population.

Public sector leaders and officers from different agencies work together to interrogate data, explore different views and strengthen their understanding of each other’s business. The goal – to come up with workable solutions to complex, longstanding problems that no one agency could tackle alone.

The JPRC is made up of leaders from the Departments of Justice, the Premier and Cabinet, Treasury and Communities, as well as the WA Police Force and the Office of the Director of Public Prosecutions. It is supported by a network of officers based in member agencies who co-locate when required.

While the focus of the JPRC is the justice system, its work aligns with other Government priorities around social drivers of crime such as the Target 120 crime preventative program targeted at youth, family and domestic violence prevention, the Methamphetamine Action Plan and Our Priorities: Sharing Prosperity targets to reduce the overrepresentation of Aboriginal people in custody, youth reoffending and illicit drug use in the community.

Its work contributes to a vision for the State of a high performing and collaborative public sector that delivers better services and outcomes for Western Australians.

Committee members:
(to 30 June 2019)

Darren Foster (Chair)
Director General,
Department of the Premier and Cabinet

Dr Adam Tomison,
Director General, Department of Justice

Tony Hassall
Commissioner of Corrective Services
Deputy Director General, Department of Justice

Chris Dawson
Police Commissioner, Western Australia Police Force

Amanda Forrester SC
Director of Public Prosecutions

Michelle Andrews
Director General, Department of Communities

Joanne Stampalia
Executive Director, Court and Tribunal Services

Kim Lazenby
Director, Department of the Premier and Cabinet

Michael Andrews
Executive Director, Department of Treasury

Lisa Bednarczyk
Director, Department of Treasury
A complex problem

In 2017, the State Government found that Western Australia’s criminal justice system was standing out from other Australian jurisdictions for all the wrong reasons.

With the exception of the Northern Territory, WA spent the most per person in the criminal justice system with the proportion of spend per person on corrective services up to six per cent more than other states. Backlogs of cases were comparatively high in the Supreme, District and Magistrates Courts and WA’s rate of incarceration of Aboriginal people was up to 60 per cent higher than the national average. In addition, WA’s adult prisoner population had grown by 36 per cent between 2012 and 2017 with no signs of slowing. This was placing significant pressure on custodial infrastructure and the ability to deliver prison services. Without targeted intervention, it was predicted the prison system would be beyond capacity in a matter of a few years.

Historically, agencies were often alone in having to fix the issues affecting their areas of responsibility. Struggling to find solutions within their own budgets. The then Department of Corrective Services was carrying the burden of meeting the costs and finding solutions to the rising prisoner population — the drivers of which were largely out of its control to influence. By 2017 it was becoming increasingly clear that no one agency could stem the tide of rising imprisonment and the social and financial consequences that flowed from it. Equally, there was a need to modernise business practices across the criminal justice system through the use of new technology, new policy settings and redesigned business processes to increase productivity and efficiency.

Spending by the Western Australian Government on the criminal justice system for 2017-18

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police services</td>
<td>$980m</td>
<td>35%</td>
</tr>
<tr>
<td>Law courts and legal services</td>
<td>$1,425m</td>
<td>51%</td>
</tr>
<tr>
<td>Corrective services</td>
<td>$408m</td>
<td>14%</td>
</tr>
</tbody>
</table>

Source: 2019-20 Western Australia State Budget (figures have been rounded).
Breaking down silos

The criminal justice system in WA is made up of police services, law courts and legal systems, and corrective services – including prisons and community corrections. It is an integrated system with three Ministers responsible for co-dependent parts.

Decision-making in any one part of the system impacts the others. A siloed approach with agencies tasked to fix “their” parts of the system was hampering efforts to bring about long term, positive change across the justice system.

Machinery of Government changes on 1 July 2017 brought together the functions of the Departments of the Attorney General (law courts and legal systems) and Corrective Services (prisons and community corrections) to form the Department of Justice to help set a structural foundation for change. In the same month, the State Government established a cross-agency committee to drive a justice sector reform program to develop evidence-based initiatives aimed at slowing the growth in the prison population, as well as delivering cost efficiencies and infrastructure planning.

In 2017, the Government also committed $850,000 to develop the Justice Pipeline Model to simulate the flow-on effects decisions made in one part of the system could have on others – including on other agencies’ budgets. It was a tool to bridge the gap between agencies in traditional Government budgeting processes.
The approach

There is no such thing as a stupid question

The Justice Planning and Reform Committee (JPRC) was initially made up of agency leaders from the Departments of the Premier and Cabinet, Justice and Treasury, the Western Australia Police Force and the Office of the Director of Public Prosecutions. This was later expanded to include the Department of Communities. The JPRC’s first task was to put the criminal justice system under the microscope with each agency bringing their experiences, observations and data to the table.

Bringing together central agencies with line agencies responsible for different parts of the justice system enabled wide-ranging analysis and fresh insights.

The culture around the table was “nothing is off limits” — there was no such thing as a stupid question. This environment brought a level of interrogation that may not have occurred otherwise. Members got to better understand the flow-on effects a decision in one area of the justice system could make in others. It was an opportunity for all parties to explore the drivers behind data from every area of the criminal justice system to consider where investment could be targeted to alleviate pressure, address inefficiencies and bring about long-term, sustainable change.
Identifying the issues

Backlogs, short-term custody and Aboriginal incarceration

- **Time to trial 2017/18**
  - 32 weeks (Supreme Court)
  - 36 weeks (District Court)
  - 25 weeks (Magistrates Court)
  
  Source: Annual Report 2017-18, Department of Justice

- **Increase in prison population between 2012 and 2017**
  - 36%
  
  Source: WA Treasury 2017

- **Increase in remand prison population between 2012 and 2017**
  - 90%
  
  Source: WA Treasury 2017

- **Above national average**
  - Aboriginal incarceration rate
  - 60%
  
  Source: Prisoners in Australia 2017, Australian Bureau of Statistics

- **Offenders managed through community supervision**
  - 43% (WA)
  - 65% (AUS)
  
  Source: Report on Government Services 2017, Productivity Commission

- **Costs**
  - $1,018 (per day) for an unsentenced adult in custody (on remand) for the first 5 days
  - $299 (per day) for keeping an adult offender in custody
  - $34 (per day) for managing an adult offender through community supervision
  
  Source: Annual Report 2017-18, Department of Justice
It’s more than the money

The impacts of a criminal justice system under pressure are not only financial. Backlogs of criminal cases in the courts contribute to an increased length of time spent in custody by individuals while they await trial and sentencing. Half of those on remand will be released on bail eventually.

Damaging effects of imprisonment include job loss, loss of contact with family and friends, and social stigma on release. Individuals may also acquire criminal relationships and skills in prison that they might otherwise not have been exposed to. Delays to trial and sentencing impact on the physical and mental health of victims and witnesses involved. The high rate of Aboriginal incarceration — 60 per cent above the national average — has far reaching consequences for the person imprisoned, their children, other family members and communities. It perpetuates the cycle of disadvantage, poverty and the risk of further incarceration. Reducing the overrepresentation of Aboriginal people in prison is a priority for the State Government.
Collaboration is not just about talking. It is about acting in a coordinated, disciplined and purposeful way to deliver results, and that is what the JPRC is doing.

Darren Foster (JPRC Chair)
Director General, Department of the Premier and Cabinet
Stage 1 – Relieving the pressure

The JPRC took a staged approach to addressing change. The first stage was to identify actions that could be implemented in the short term to relieve pressure on the criminal justice system while medium and longer-term strategies were developed. This included adding beds to existing custodial infrastructure to manage demand for services.

Data showed that a sharp rise in remand prisoners was causing a significant pressure on prisons and there was an increase in times to trial in the Supreme Court, District Court and Magistrates Court. The Committee identified a number of possible contributing factors, some of which could be solved by modernising business practices.

More beds and better technology

In July 2017, WA’s prison remand population was 1,958 – a 50 per cent increase from 1,292 in July 2015. In 2017-18 the time to trial was on average 25 weeks in the Magistrates Court – a 40 per cent increase from 18 weeks three years earlier.

The JPRC found that delays in DNA and other forensic testing, and provision of autopsy results was increasing the time it took to prepare evidence briefs.

Further investigation revealed Western Australia has the highest rate of autopsies in the nation with 89 per cent of the 2,500 cases received each year requiring an autopsy, compared with as low as 50 per cent in Queensland and Victoria. Both States regularly use Computerised Tomography (CT) scanners to reduce the need for autopsies.

It was also found the ageing PathWest Forensic Biology Laboratory infrastructure, where police forensic testing was carried out, was limiting opportunities to modernise equipment and fast track business practices.

The JPRC recommended immediate investment in a dedicated State Mortuary CT scanner and new PathWest Forensic Biology Laboratory facilities to reduce bottlenecks in the courts, as well as a custodial infrastructure plan to add more beds across the prison system as quickly as possible. Expanding existing facilities was a more effective and efficient way to ease immediate pressure on the prison system than building a new facility.
In the 2017–18 mid-year review the State Government provided:

$2.3 million

to introduce a CT scanner for the State Mortuary. The scanner was commissioned in April 2019, with 120 scans completed by mid-June. Eventually all bodies will be scanned which will reduce the need for internal autopsies in non-criminal cases allowing more time to prepare evidence briefs. Importantly, limiting the need for an intrusive procedure also reduces stresses on families and friends who have lost loved ones.

$4 million

for a new laboratory for PathWest Forensic Biology. The new lab became fully operational in June 2019. It offers twice the space and houses five genetic analysers with the combined capacity to generate up to 120 DNA profiles per half hour. This is a significant improvement from the three previous analysers that had a combined capacity to generate 48 DNA profiles per half hour.

Three audio visual rooms allow forensic scientists to conduct remote court appearances when providing expert evidence. With less travel now required, more time can be spent issuing forensic DNA reports to the WA Police Force and Courts.

$120 million

to install 160 secure beds within Bunbury Regional Prison and expand the capacity of Casuarina Prison by 512 beds, including the State’s first alcohol and other drug treatment prison for women.

More magistrates and better data

In addition to the JPRC’s recommendations, in the 2018-2019 State Budget the Government funded two extra magistrate positions to reduce pressure on the Magistrates Court.

The Government also announced work would begin on creating a Western Australian Office of Crime Statistics and Research Unit – a key election commitment to ensure every justice dollar is spent where it is needed most.
The JPRC has been an excellent vehicle to effectively harness the skills and perspectives of the various agencies to create holistic, evidence-based strategies that Government can have confidence in using to tackle sectoral problems.

Dr Adam Tomison  
Director General, Department of Justice

The JPRC has enhanced opportunities to collaborate across government and develop innovative solutions to complex justice issues, resulting in some tangible improvements to operations which will further build on community safety and government efficiency.

Chris Dawson  
Police Commissioner, Western Australia Police Force
Stage 2 – Focusing on the outcome

In May 2018, the JPRC co-located a team of subject matter experts from Justice, WA Police Force and Communities with Premier and Cabinet and Treasury colleagues.

The team’s job was to focus exclusively on initiatives to deal with the growth of the adult prison population.

Removing siloes to focus on outcomes meant the problem could be addressed as a whole, not just in parts.

Building and testing the evidence base

The JPRC provided the authority to cut through red tape within individual agencies to access the information and the people needed to identify and fully develop the reform initiatives.

Each Justice Reform Project team member brought unique skills and experience and different established networks which enabled greater influence with various stakeholders. Agency collaboration allowed easier access to data and expertise from across the criminal justice system.

The Justice Pipeline model was used to help select initiatives by testing theories of where potential issues were occurring and their impact. The model also provided an indication of the benefits and costs of implementing the initiatives. It connected data across the criminal justice system and simulated the downstream impact of changes in policy and practice on activities and costs in the sector as a whole. This offered a high-level, whole-of-system view to support a cross-agency budget bid.

Ministers, the judiciary, government agencies, and bodies such as Legal Aid WA and the Aboriginal Legal Service were consulted at every stage to ensure initiatives were supported, implementable and achievable. Site visits to the Magistrates Court and Police Operations Centre also improved the knowledge base about how proposed initiatives could benefit the frontline.
One submission to rule them all

The Attorney General, Minister for Corrective Services and Minister for Police signed off the JPRC’s business cases for four initiatives which were then presented in a joint Budget submission to the Expenditure Review Committee (ERC) in March 2019. They were presented as a cohesive package of reforms designed to address the unprecedented rise in the prison population.

In the 2019-20 State Budget the WA Government invested $101 million in a comprehensive reform program to make the WA Justice system “Smarter, Safer and Fairer”, with community safety the paramount consideration.

The initiatives include a focus on reducing avoidable remand, strengthening community-based orders, expanding electronic monitoring and increasing appropriate access to parole.

These initiatives seek to address the underlying causes of prison population growth and drive long-term solutions. Drawing on the Justice Pipeline Model, a benefit cost analysis of the reform package demonstrated that the long term savings and avoided costs would exceed the upfront investment.

Funds were also included in the 2019-20 budget to digitise the Office of the Director of Public Prosecutions ($2.5 million); add 344 more beds to Casuarina Prison with accompanying infrastructure and security upgrades ($186 million); plan for a new Broome Prison ($1.4 million); and the employment of up to 50 additional community corrections officers.

The JPRC will oversee and support the implementation of these projects by the relevant agencies.

A Smarter, Safer and Fairer Western Australian justice system

- **$12.3 million**
  - to reduce avoidable remand by providing targeted legal assistance and bail support

- **$6.6 million**
  - to trial a program to divert offenders to culturally appropriate programs and support in the community in lieu of fines and short-term custody, particularly remand

- **$28.6 million**
  - to increase appropriate access to parole by providing tailored rehabilitation programs to prisoners in the period leading up to, and following, their release to parole

- **$52.3 million**
  - to increase the use of electronic monitoring to enhance community safety

- **$1.2 million**
  - to evaluate all four initiatives to ensure that they are working effectively
The criminal justice system is complex. What happens in one part affects all the other parts. The work of JPRC has enabled Government to make funding decisions with full knowledge of their impacts on the rest of the system. This ensures they achieve the best impact for their investment.

Michael Andrews
Executive Director, Department of Treasury
What worked

While it is still early days and the initiatives driven by the JPRC are subject to ongoing evaluation, the approach has been welcomed by those involved as an effective way to drive sophisticated solutions to complex issues.

Some of the benefits include:

- All parties working towards one budget bid offering Ministers more comprehensive advice on how initiatives will benefit the community.

- The Department of Treasury is the government's principal economic and financial advisor. Its inclusion on JPRC ensures investment in short, medium and long term initiatives are supported by robust benefit cost analysis and aligns with other Government spending priorities.

- The collaborative and consultative approach encourages a high-level “opening of doors”. This enabled officers to consult directly with stakeholders such as the judiciary to ensure initiatives to address the growth of the adult prisoner population were actionable and achievable.

- Including the central agencies of the Departments of the Premier and Cabinet and Treasury, and the Department of Communities, along with the justice line agencies of the Department of Justice, WA Police Force and the Office of the Director of Public Prosecutions, gives the strategic oversight to ensure solutions align with work on other whole-of-government priorities addressing the social drivers of crime. These include:

  - **Our Priorities: Sharing Prosperity** targets to reduce the overrepresentation of Aboriginal people in custody, youth reoffending and illicit drug use; the government’s Methamphetamine Action Plan; and the Target 120 program to address youth offending.

  - Relationships developed through work on JPRC justice initiatives are now adding value to other projects. Having a dedicated team to follow up on the actions of the Committee has been essential to the approach’s success.

Project governance structures that require cross-agency collaboration to achieve a clearly defined outcome are becoming more common in the WA public sector. They are well suited to tackling complex social and economic issues that don’t fit neatly into a political portfolio or agency responsibility. It is indicative of a culture change being driven across government to break down siloes between and within agencies. The vision is a public sector that works together to deliver better services and outcomes for Western Australians.
What worked

High level leadership, collaboration and cooperation

A dedicated cross-agency project team co-located when required

A clear objective seeking evidence-based solutions

Working with stakeholders to ensure the proposed initiatives were supported, actionable and achievable

A joint budget submission to give comprehensive advice

Alignment with whole-of-government strategic priorities
What now and what next: a more efficient, effective and safer criminal justice system

A number of State Government initiatives are completed or underway that support the following three objectives:

**Taking pressure off our prisons**
- 672 beds and infrastructure upgrades across Casuarina and Bunbury Regional prisons.
- A further 344 beds with accompanying infrastructure and security upgrades at Casuarina Prison.

**Modernisation**
- Creating the Justice Pipeline Model.
- New laws to change jurisdictional boundaries between the Supreme Court, District Court and the Magistrates Court for a more efficient criminal justice system.
- A dedicated CT scanner at the State Mortuary to reduce the time taken for autopsies.
- New facility for PathWest Forensic Biology to increase outputs.
- Digitisation of the Office of the Director of Public Prosecutions.
- Creating two magistrate positions.
- Creating the Western Australian Crime Statistics and Research Centre.

**Addressing the growth of the prison population with a focus on Aboriginal incarceration**
- Drafting of legislation to expand use of Criminal Code Infringement Notices.
- Smarter, Safer, Fairer WA justice initiatives that include strengthening community-based orders, expanding electronic monitoring and increasing appropriate access to parole.
- Funding Legal Aid WA and the Aboriginal Legal Service to provide in-reach legal services for prisoners considered suitable for bail to reduce avoidable remand.
- Planning of a new Broome Prison.

### What next

In 2019-20, the JPRC’s main focus will be on overseeing and supporting the implementation of projects including:

- Implementation of Smarter, Safer, Fairer WA justice initiatives.
- Developing plans for Broome Prison to be a modern prison in line with best practice that includes cultural support, as well as rehabilitative and educational opportunities.
- Digitisation of the Office of the Director of Public Prosecutions.

New work includes:

- Prison Services Evaluation to plan for long-term growth of the prisoner population. The design of the prison network will enable comprehensive prisoner cohort management and ensure investment supports operational requirements that are fit for WA’s unique needs and deliver value for money.

### What’s working

Continuing assessment of data over time will be key to evaluating activities to ensure they are achieving their intended results.

The Smarter, Safer, Fairer WA justice initiatives have evaluation built into their funding to assess results in the coming years as they become fully operational.
The JPRC is a collaborative, cross-government approach to dealing with some of the key issues in the Corrections system. This way of working has produced impressive results, which will contribute to a safer Western Australia.

Tony Hassall
Commissioner of Corrective Services and Deputy Director General, Department of Justice

The JPRC enables more ambitious and effective ideas to be exchanged, developed and implemented by breaking down bureaucracy and siloes which can act as barriers to meaningful change in the justice sector.

Amanda Forrester SC
Director of Public Prosecutions
Acknowledgement of Country

The Government of Western Australia acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders both past and present.