
B Justice preface

Part B: Justice preface

Governments provide justice services to ensure a safe society by enhancing public order and security, and upholding the rule of law. This provision involves crime prevention, detection and investigation, judicial processes and dispute resolution, prisoner and offender management, and rehabilitation services. The focus of the *Report on Government Services 2007* (2007 Report) is on the justice services provided by police (chapter 5), court administration (chapter 6) and adult corrective services (chapter 7).

Framework of the criminal justice system

The criminal justice system is broad and complex, and has many interrelated objectives. An overarching aim is to ensure that the community has access to a fair system of justice that protects the rights of individuals and contributes to community safety (box JP.1).

Box JP.1 Objectives of the criminal justice system

The objectives of the criminal justice system are to provide protection for the rights and freedoms of all people through:

- the operation of police services that enhance community safety by preventing, detecting and investigating crime
- the administration of criminal justice that determines guilt and applies appropriate, consistent and fair sanctions to offenders
- the provision of a safe, secure and humane custodial environment and an effective community corrections environment that provide program interventions to reduce the risk of re-offending.

These objectives are pursued in a manner that is accessible, equitable, timely and efficient.

A model of the criminal justice system

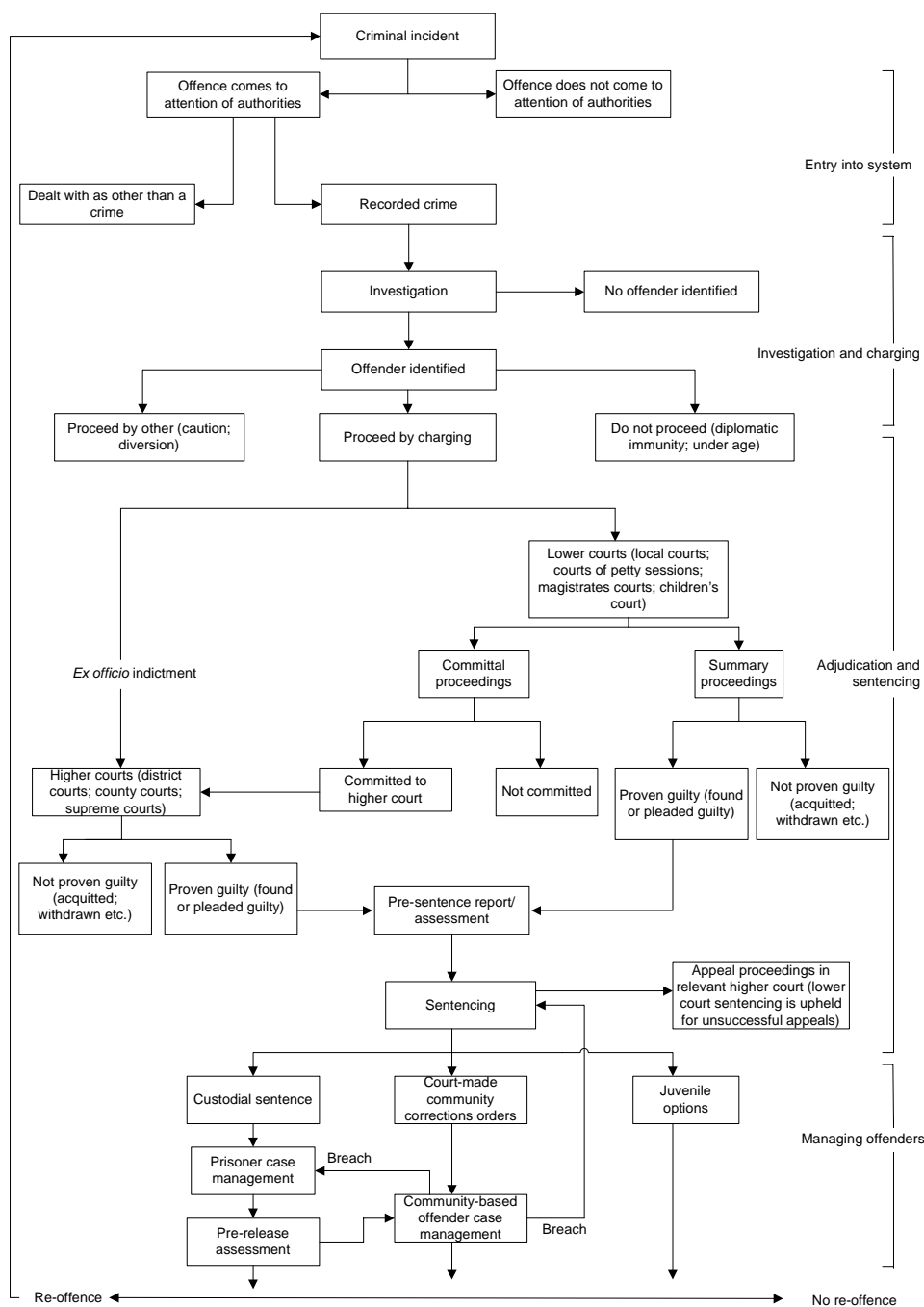
The performance of the criminal justice system is measured in this Report against the objectives of effectiveness (how well agencies meet the outcomes of access, appropriateness and/or quality), equity (how well agencies treat special needs groups) and efficiency (how well inputs are used to deliver a range of outputs). Within the criminal justice system, the ability of one agency to meet these objectives depends on the effectiveness of the complex interactions between the police, courts and corrective services (and other agencies outside the scope of this Report). Examples of this are:

- the police services' effect on the courts through the implementation of initiatives such as the issue of police cautions and other diversionary strategies
- the correctional system's services to courts through advisory services
- the impact on the justice system of the degree of recidivism (rate of return) experienced.

Although service areas are represented in separate chapters in this Report, performance results are to some extent interdependent. Each agency's activities may affect the activities and priorities of the other areas of the system. The resource demands on police, corrective services and, to a lesser degree, courts, along with their responsiveness and capacity to provide services and programs to their client bases, need to be considered in this context.

For most people who come into contact with it, the criminal justice system is a sequentially structured process. Figure JP.1 shows the typical flow of events in the criminal justice system. This depiction is broadly indicative and, for brevity and clarity, does not seek to capture all the complexities of the criminal justice system or variations across jurisdictions.

Figure JP.1 Flows through the criminal justice system^{a, b, c}



^a Does not account for all variations across jurisdictions. ^b The flow diagram is indicative and does not seek to include all the complexities of the criminal justice system. ^c Juvenile justice is covered in the community services preface.

Source: Adapted from Australian Bureau of Statistics (ABS) (unpublished) Criminal Justice Statistics Framework; 2007 Report, figure C.1, p. C.7.

Indigenous issues

In April 2002, the Council of Australian Governments (COAG) asked the Steering Committee to prepare a regular report on key indicators of Indigenous disadvantage as part of the COAG reconciliation commitment. In November 2003 the Steering Committee released the first edition of this report, *Overcoming Indigenous Disadvantage: Key Indicators 2003*. The second and most recent edition of this report, *Overcoming Indigenous Disadvantage: Key Indicators 2005* was released in July 2005.

The Report on Government Services focuses on the delivery of government services, whereas the report on Indigenous disadvantage concentrates on high level outcomes and strategic areas for action (which includes criminal justice indicators). The two reports are thus different yet complementary.

The available information on the interaction of Indigenous people with specific parts of the criminal justice system is of varying quality. The most important reason for the poor quality of Indigenous data is that some agencies in the justice system do not conform to the ABS standard when recording Indigenous status.

The ABS standard is prefaced on self-identification whereby all offenders and/or victims are asked whether they are of Aboriginal or Torres Strait Islander origin and that the Indigenous status is a mandatory field in administrative systems.

Police agencies collect Indigenous status information for victims and offenders, but the data do not entirely comply with the ABS standard. Courts rely on the transfer of Indigenous data from police administrative systems, but given that police data are not of sufficient quality, nationally comparable data for Courts are not yet available. Indigenous data relating to custodial prisoners have been published for all jurisdictions for a number of years, with data sourced directly from corrections agencies. Experimental Indigenous data have also recently been released for persons with community-based corrective services orders.

Although Indigenous data are not yet available on a nationally comparable basis from the police, work is currently underway in many police agencies to improve information about Indigenous people. The ABS is planning to produce experimental Indigenous data as part of its National Recorded Crime Victims collection in 2007 for those states and territories that do currently comply with the ABS standard (NSW, Queensland and the ACT). Additionally, the ABS is exploring the release of experimental Indigenous data for the ABS National Offenders collection for those states and territories that comply with the standard. The ABS will also continue to work with the courts in relation to the transfer of Indigenous data from police

administrative systems to court systems for those agencies that comply with the ABS standard.

In this Report, data on the deaths of Indigenous people in police custody and custody-related operations (for example, most sieges and most cases in which officers were attempting to detain a person, such as pursuits) (chapter 5), the representation of Indigenous people in prisons and community corrections (chapter 7), and Indigenous deaths in prison custody (chapter 7) are of high quality.