

Transforming Criminal Justice

Strategic Overview



Attorney-General's Department

“Putting
People First”



Government of South Australia
Attorney-General's Department

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Feedback on this Strategic Overview can be provided via email to justicereform@sa.gov.au or to Justice Sector Reform, Office of the Chief Executive, Attorney-General's Department, GPO Box 464, ADELAIDE SA 5000.

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If you do not want the public to read your answers, please write "confidential" on your submission. Please be aware that unless you write "confidential" on your submission it may be made public.

If someone asks for your answers through the Freedom of Information Act process, and if you have told us your answers are confidential, we will contact you and explain what is happening. However, we have to follow the law. Even if your answers are confidential, we may still have to let someone read your confidential answers, if they ask for them through the Freedom of Information Act process.



Foreword

Early in 2014 for a number of months I was fortunate to take on the roles of Minister for Police and Minister for Correctional Services in addition to my role as Attorney-General. This gave me a unique opportunity to view the operation of the entire continuum of the criminal justice system.

When we consider the criminal justice system, we must consider all elements of the system from police to prisons and everything in between including victims of crime and witnesses, the legal profession, the judiciary, the courts and the parole board.

The purpose of this Strategic Overview is to raise questions with the community and the legal profession about the operation of the criminal justice system as a whole, and to consider what improvements and efficiencies can be made.

In assessing the criminal justice system, we must therefore ask questions of all bodies and institutions that are either part of the criminal justice system or interact with it.

We must consider whether the current criminal justice system is efficient and effective, and if not, how can it be improved?

The criminal justice system serves the community of South Australia and must hold offenders accountable for their actions and must ensure offenders face appropriate consequences for their actions; it must enhance community protection, reduce rates of re-offending and effectively deter others from committing crimes. The criminal justice system must remain fair and impartial, and must provide a just outcome.

A fair and just system of criminal justice underpins a strong and resilient society.

Victims have the right to feel that justice has been done. Accused persons have a right to a timely and just outcome.

The community has a right to expect that the criminal justice system will operate efficiently and effectively with resources used where they are most required.

In addition, the Government needs to balance the resources invested in the criminal justice system with its other priorities such as health, education and social services.

We need to measure performance across the entire system so that areas for improvement can be identified. Whilst there are fundamental underlying principles of the criminal justice system that cannot be compromised, there are other areas that will benefit from the adoption of modern business practices and the better use of technology.

An effective and efficient justice system is a key part of any civil society.

This Strategic Overview seeks to not only raise questions but also seeks to start a conversation with the community and the legal profession about where there is room for improvement.

I look forward to working with all organisations within the South Australian criminal justice system in progressing this conversation.



The Hon John Rau MP
Deputy Premier
Attorney-General
Minister for Justice Reform

What is the Criminal Justice System?

The criminal justice system is made up of a number of entities. Each plays a different role in a system designed to address the community's expectation that people who break the law are punished and face appropriate consequences and that victims of crime are treated with respect and sensitivity.

The South Australian Government is committed to a system of adversarial justice. In August 1998 National Legal Aid and the Conference of Australian Directors of Prosecutions developed the Best Practice Model for the Determination of Indictable Charges and described the context of criminal proceedings as follows:

 *Criminal procedure is, and should remain, fundamentally accusatorial, that is the State accuses the citizen of a criminal offence and must prove guilt without enforced assistance of the accused. While there is a public interest in improving the efficiency of criminal proceedings by reducing delay and costs, this must proceed in the context of the accusatorial framework.* 

When a crime is committed and the alleged offender apprehended, the criminal justice system commences operation. It is a continuum along which the alleged offender will travel, with the point of departure and destination dependent upon their innocence or guilt and the nature of their crime. Along this continuum there are numerous different agencies that play important and varying roles.

South Australia Police

The first interaction that an alleged offender has with the criminal justice system is with South Australia Police (SAPOL). SAPOL officers are tasked with investigating alleged crimes. They gather evidence to identify the alleged offender or offenders. In some cases SAPOL may utilise alternative options such as cautioning a person. Other offences may be expiable. Once there is enough evidence such that the police have reasonable cause to suspect the person committed the crime, police will either:

- arrest and charge the offender with the criminal offence; or
- report the offender for the criminal offence.

When a person is to be brought to court SAPOL decide the charges to be laid against that person. This may later be reviewed by a prosecutor. SAPOL decide whether a person is returned back into the community on bail to await a trial in court, or whether bail is refused (in which case the person remains in custody). A person held in custody can apply to the Magistrates Court for release on bail however a Magistrate may choose to keep them in custody (referred to as remanded in custody). SAPOL continue to collect evidence and support victims and witnesses.

The Prosecution

SAPOL officers will prepare a brief for the prosecution. A brief is a collection of documents including details of the alleged offence, the charges laid and the evidence. In court the prosecutors rely on the information in the brief provided to them by SAPOL.

Within SAPOL there are sworn officers who are trained to prosecute offences in the Magistrates Court as well as some matters in the Youth Court. For these cases the brief is provided to the SAPOL

prosecutors. For any other matters, it is provided to the Office of the Director of Prosecutions (the ODPP).

The ODPP is an independent statutory body; established under legislation to undertake prosecutions of offences against the laws of South Australia. Generally the ODPP prosecutes the more serious matters in the District Court and the Supreme Court. The ODPP can also prosecute complex or sensitive matters in the Magistrates Court or the Youth Court. The ODPP employs not only lawyers to undertake prosecutions but also witness assistance officers to support victims and witnesses.

Forensic Science South Australia

In many cases, evidence is scientific. Forensic Science South Australia (FSSA), which is part of the Attorney-General's Department (AGD), provides independent expert scientific opinions and evidence to the justice system in South Australia. This includes conducting post mortem examinations, identification of evidence collected from a crime scene (including DNA), analysing blood and tissue samples to detect drugs and alcohol and examining illicit drugs.

FSSA play a vital role when the evidence that proves that a person committed a crime is scientific. FSSA staff are regularly required to give evidence in court.

The Defence

Persons accused of a crime often rely on the South Australian Legal Services Commission (the LSC) to defend them in court. Others will engage the services of the private legal profession to represent them in court.

The LSC was established in 1977 under the *Legal Services Commission Act 1977* (SA). The LSC aims to increase access to legal services for people who cannot afford to pay for private legal representation. The LSC receives funding from both the South Australian and the Commonwealth Governments to provide legal advice, education and legal representation.

The LSC has in-house criminal lawyers that represent accused persons in all the State courts and in addition, the LSC provides legal aid funding to private practitioners. In 2012-13, there were 11,963 grants of legal aid in criminal law matters. Private practitioners performed 67% of legal aid grants in criminal law matters and the remaining 33% was dealt with by in-house lawyers.

Types of Offences

For an accused person charged with a criminal offence the next step is going to court.

Summary offences are heard in the Magistrate Court before a Magistrate. There are no juries and Magistrates decide cases.

If an offence is not a summary offence it is called an indictable offence. There are major and minor indictable offences.

Major indictable offences such as murder, manslaughter and serious sexual offences are heard in the superior courts; the District or the Supreme Court. Murder is always heard in the Supreme Court.

Minor indictable offences are heard in the Magistrates Court, unless the accused person chooses to have it dealt with in a superior court.

How a person progresses through the criminal justice system will depend on their offence; summary offences and most minor indictable offences will be heard in the Magistrates Court with the trial (and sentencing) being before a Magistrate. Trials for major indictable offences happen in the superior courts, but first need to go through committal proceedings.



Did you know

In South Australia in 2013/14 there was a total of 3,098 criminal matters lodged in the Supreme and District Courts.

Committal Proceedings

Committal proceedings are held in the Magistrates Court and are designed so that the Magistrate can decide whether there is sufficient evidence for a matter to be sent to (referred to as “committed”) to a superior court for trial.

Currently, committal proceedings in the metropolitan areas are conducted by lawyers from the ODPP, whilst in regional areas they are conducted by police prosecutors. Once a matter is committed for trial, certain procedures are followed and a trial date set.

The Trial

If a defendant pleads guilty a trial is not needed. At trial the prosecution has to present evidence to prove that the accused person is guilty of the offence or offences charged, beyond reasonable doubt.

In the superior courts, unless an accused person elects to have a trial in front a judge alone (referred to as a “judge alone” trial), guilt is determined by a jury.

If the accused is found guilty, then at a later time they will be sentenced by a Judge or a Magistrate once the prosecution and the defence have had the chance to make submissions on the appropriate sentence.

If the accused is found not guilty, they are free to go.

Courts

The Judges of the superior courts and the Magistrates are referred to as the judiciary. It is a cornerstone of our justice system that the judiciary are independent of the Government. Views vary as to exact scope of this independence, however the Government

is committed to ensuring that “judicial independence” is not compromised in any reform to the criminal justice system.

The court system in South Australia is administered by a separate entity called the Courts Administration Authority (CAA). The CAA is established under the *Courts Administration Act 1993* (SA) and is independent of Government. Through the CAA, the judiciary in South Australia control the provision of the administrative facilities and services to the State courts. The CAA is not subject to direction by the Executive Government, even in matters of procurement and administration.



Did you know

In South Australia in 2013/14 there was a total of 62,889 criminal matters lodged in the Magistrates Court.

Correctional Services

Once a person is sentenced, the administration of that sentence is the responsibility of the Department for Correctional Services (DCS). DCS strives to make the community safer by protecting the public and reducing re-offending through the safe, secure and humane management of offenders and the provision of rehabilitation and reintegration.

DCS administers our prisons and delivers programs and services to offenders in prison, with the aim of reducing the likelihood that an offender will commit further crimes. Sometimes an offender receives a penalty other than imprisonment, such as a good behaviour bond. Other times a prison sentence may be suspended and the person released on a good behaviour bond.

Such community based sentences usually include conditions that the offender must comply with, for example, a condition to attend a treatment program or to live at a certain address. Some offenders are also released from prison on conditions, for example, on parole or on a home

detention program. DCS is responsible for supervising these offenders in the community.

For most offenders who have been imprisoned for less than five years and a non-parole period has been fixed, release on parole happens automatically, subject to some exceptions. Other offenders must apply to the Parole Board to be released on parole.

Parole Board

The Parole Board was first established 1970 and is an independent statutory body (under the *Correctional Services Act 1982* (SA) (the CS Act)). The Parole Board has nine members and decides whether a prisoner should be released on parole and if so, under what conditions. If a person breaches a condition of their parole, the Parole Board decides whether parole should be revoked and the person returned to prison.

To make such decisions, the Parole Board must assess risk. The paramount consideration of the Board when deciding an application for parole is the safety of the community.

Recidivism

Once a person has served their sentence, whether in prison or in the community, their time on the continuum ends, or should end. In some cases a person may re-offend or be charged with another offence (for example, one that occurred prior to being sentenced). In some cases an offender could be charged with new offences whilst the criminal justice system is addressing other offences.

In this Strategic Overview we discuss recidivism rates, and the importance of reducing these rates. Recidivism rates are the percentage of offenders who return to correctional services within two years of being discharged. To reduce crime rates and to enhance community protection and confidence, the recidivism rate needs to decline.

Young Offenders

There is an important role played in the criminal justice system by the Department for Communities and Social Inclusion (DCSI). DCSI is responsible for Youth Justice.

Youth Justice runs the Adelaide Youth Training Centre (AYTC) designed to provide a safe and secure environment for young people detained in custody. In addition, Community Youth Justice manages young people serving long term custodial orders and young people on community based youth justice orders.

Youth Justice seeks to contribute to a safer South Australia by supporting children and young people to stop re-offending, to recognise the impact of their crime on victims and access opportunities to participate safely and productively in the community.

The Government and Parliament

The Government is responsible for developing and implementing policies and for drafting laws. Parliament is responsible for then making new laws and changing existing laws, referred to as legislation. Members of Parliament who are not in Government can also introduce legislation into Parliament. The South Australian Parliament is made up of two Houses, where the members will debate and discuss Government policy and legislation, as well as current issues. Once a law is made, it is the judiciary who interpret the law.

An Eco-System?

When looking at the different elements of the criminal justice system as a whole it becomes clear that when change occurs in one part of the system, this inevitably impacts across the continuum.

The criminal justice system could be described as an eco-system, where a change in one element inevitably affects one or more other elements. For example, an increase in police numbers targeting certain offences can lead to increased apprehension of offenders, meaning more prosecutions and more court time being taken up. This in turn, may lead to an increase in prisoner numbers.

When considering reform, no priority can be afforded to any agency or any element of the criminal justice system. The Government is asking the community and the legal profession to view the criminal system as a whole and to reconsider the system from every perspective. The whole of the criminal justice system is greater than the sum of its parts.

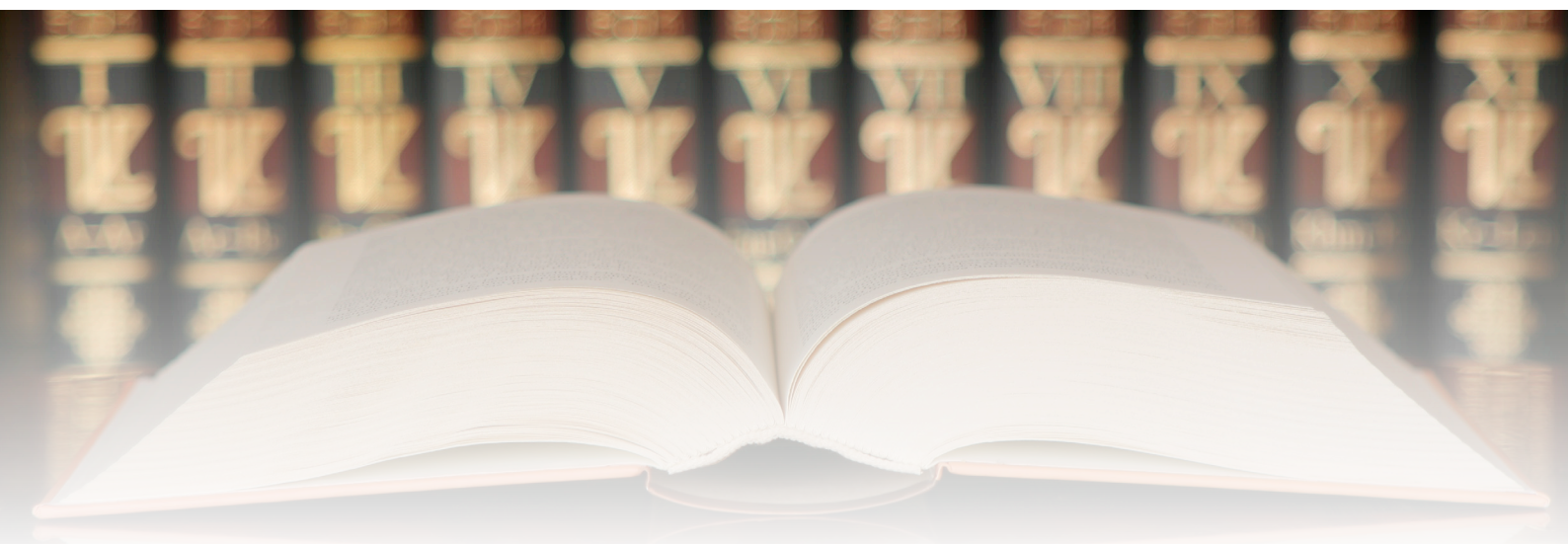
Historically, reform in the criminal justice system has occurred within each element, within silos, resulting in costs and risks being shifted between agencies, rather than being solved for the whole system.

The Government is committed to looking at the whole system when considering reform. No part of the system can be quarantined from change and every part is open for review and consideration.

This Strategic Overview establishes the Government's commitment to taking a system-wide approach, the breaking down of the traditional silos and a commitment to the better integration of criminal justice information and services.

For reform to be successful all organisations and agencies across the criminal justice sector need to have a shared vision, commitment and common purpose; the sector needs to work together on this shared vision of reform.

This paper sets out how the Government and AGD plan to create this shared vision for a better criminal justice system to serve the people of South Australia; to bring together the agencies and organisations that make up the criminal justice sector in this State, to work closely with the sector and support them in creating that shared vision for reform of the criminal justice sector.



Past Reform

November 2005

The Chief Justice and Chief Judge ask His Honour Judge Paul Rice of the District Court to address 'how the trend towards an increasing number of cases in the criminal trial list and the steadily lengthening time between arraignment and trial (now averaging at least one year) can be reversed'.

June 2006

Judge Rice releases his report which focuses on delays in pre-trial procedures and recommended a series of measures to address factors giving rise to the delays.

October 2006

The Attorney-General forms the Criminal Justice Ministerial Taskforce (the Taskforce). The Taskforce;

- Is chaired by the then Solicitor-General, Chief Justice Chris Kourakis and includes representatives from various government and non government agencies, as well as members of the judiciary in an observer capacity;
- Releases their first report.

2007

The First Report of the Taskforce includes recommendations on sentencing discounts for early guilty pleas and increasing the jurisdiction of the Magistrate Court.

March 2008

AGD Justice Video Conferencing Project commences.

2008

The Second Report of the Taskforce includes recommendations on expiation of minor offences and encouraging the use of audio visual technology.

June 2009

40 video conferencing installations rolled-out including 30 in metropolitan and country court rooms as part of the AGD Justice Video Conferencing Project.

2009-10

Adelaide Thinker in Residence Judge Peggy Hora visits Adelaide.

November 2010

Judge Peggy Hora's "Smart Justice" report is released.

February 2011

The Attorney-General announces a review of provision of legal aid in State criminal cases by the LSC by an Expert Committee.

September 2011

AGD Justice Video Conferencing Project is completed with 8 more courtrooms receiving video conferencing facilities.

November 2011

The Attorney-General introduces the *Statutes Amendment (Courts Efficiency Reforms) Bill 2011* to implement a number of the Taskforce's recommendations including increasing the jurisdiction of the Magistrates Court, providing that an appellant's presence at appeal may be satisfied by audio visual link, making more offences expiable and increasing the maximum sentence of imprisonment that may be imposed by a Magistrate for a single offence from two years to five years and for more than one offence to 10 years.

November 2011

The *Criminal Law (Sentencing) (Guilty Pleas) Amendment Act 2012* is introduced which implements the Taskforce recommendation for a sentence discount scheme to encourage early guilty pleas.

October 2012

The ODPP commences a 12 month pilot program for early resolution of major indictable matters which considered charges originating from the Holden Hill local service area.

July 2013

The Criminal Justice Sector Reform Council established.

July 2013

The Government introduces legislation to create the South Australian Civil and Administrative Tribunal (SACAT) to simplify access to civil justice, provide a “one stop shop” for the making (and review) of some civil and administrative decisions, and act with as little formality and legal technicality as possible to ensure efficiency and cost effective processes.

February 2014

The Fines Enforcement and Recovery Unit commences operation.

February 2014

Four Reports of the Expert Committee reviewing the provision of legal aid are released for public comment.

February 2014

Early Resolution Courts commence operation in Metropolitan Magistrates Courts as part of the Offence Streaming Model.

May 2014

The Attorney-General becomes Chair of the Council, increases frequency of meetings to progress projects and reform work of the Council.

July 2014

The regulation of the legal profession is overhauled with the commencement of the *Legal Practitioners (Miscellaneous) Amendment Act 2013*.

July 2014

The Disability Justice Plan is released to create a justice system that is accessible and responsive to the needs of people with disability.

August 2014

The Fines Unit collects more than \$52 million and provides a perfect example of the benefit to the community achieved through improved efficiencies and reform.

February 2015

The ODPP scheduled to implement the first stage of the early resolution program building upon the October 2012 pilot.

More Pieces of the Puzzle?

In 2011 the Attorney-General said that the courts efficiency reforms alone would not solve the problem of criminal trial delay. These measures were incremental steps that had to be seen as a piece of a much larger puzzle designed to increase the efficiency and speed of the justice system. In 2011 it was said there may be pieces to the puzzle not yet identified.

This Strategic Overview is starting a conversation about those other pieces to the puzzle. The Government is committed to solving this puzzle and will continue working with the criminal justice sector and with the community to find better solutions. But no single piece of legislation will overcome the challenges facing the criminal justice system and not all of the solutions will be legislative.

To create a more efficient and effective system will require change across all relevant agencies. Solutions need to be shared and the needs of the criminal justice system as a whole prioritised above those of the individual agencies. Cultural change is central to this reform.

To start this process of reform, after the 2014 election, the Government created the new portfolio of Justice Reform.

In doing so the Government has acknowledged the need for reform of the justice sector and it is the Minister for Justice Reform who will lead the reform agenda across this sector.

The Minister for Justice Reform has committed to work closely with the Ministers for Police, Correctional Services, Communities and Social Inclusion and their agencies, along with the judiciary and the courts. The challenge is to identify inefficient, overlapping and redundant rules, policies and practices and to address any processes, cultural issues and operational practices that hamper efficiency in the sector.

Any reform of the criminal justice system will require a coordinated and collaborative approach across agencies with the Minister for Justice Reform and AGD providing a single point of leadership for the reform agenda, providing oversight to ensure that all parts of the criminal justice sector are engaged in the reform process and working together.



The Criminal Justice Sector Reform Council

An important key to reform of the criminal justice system is the Criminal Justice Sector Reform Council (the Council).

To be successful the criminal justice sector needs a shared vision of what a future criminal justice system will look like. This requires commitment and common purpose. The Government is committed to supporting the sector to work together.

The Council came together in July 2013 and is chaired by the Hon John Rau MP Attorney-General and Minister for Justice Reform.

The Council consists of the Hon Tony Piccolo MP Minister for Police and Minister for Correctional Services, the Under Treasurer, and heads of relevant agencies across the criminal justice sector: SAPOL, the CAA, the LSC, DCS, the Director of Public Prosecutions (DPP), AGD and DCSI.

The Chief Justice of the Supreme Court of South Australia, the Chief Judge of the District Court of South Australia and the Chief Magistrate of the Magistrates Court are observers.

The Council is a platform for high level discussions around issues affecting the criminal justice system, promoting and supporting a contemporary, effective and efficient criminal justice system, which maintains justice and integrity, inspiring the confidence of the public.

The Council supports initiatives to deliver the following outcomes across the criminal justice sector:

- improve service delivery and ensure service is fair and just;
- increase public confidence;
- increase efficiency;
- where possible reduce costs; and
- build continuous improvement capability.

The Council has agreed on five specific projects with the potential to increase productivity across the sector, being:

- diversion options to reduce the number of people entering the court system;
- an investigation of high rates of remand in custody;
- a system of identification of matters for early resolution to save resources and improve outcomes for victims and witnesses;
- opportunities to improve the exchange, timeliness and accuracy of information by addressing out-dated business processes and legislation and improving the technologies to support these; and
- the development of a set of Performance Measures across the criminal justice sector as a whole that can best assist and inform the Council, the criminal justice system and the community to determine whether project aims and expectations are being met.

Discretion and Diversion Options

The Council has oversight of a SAPOL led project exploring appropriate diversion options for minor offending at both the pre-charge and post-charge stages to potentially reduce the number of people entering the court system. This project is considering any legislative impediments to diversion, and safeguards to ensure that only appropriate offenders are diverted.

This includes exploring the current outcomes for minor offending and consideration of alternative outcomes that could discourage future offending.

Remands in Custody

The CAA is leading the Remands in Custody Project under Council oversight to make recommendations as to how operational, procedural, legislative or other changes could improve efficiency in the current remand system.

This project stems from statistics in 2013 showing that when compared to the rest of the country, South Australia had the second highest proportion of prisoners on remand, being people who were in custody for an offence but had not yet received their sentence and some of whom had not been to trial.

Did you know

South Australia has the second-highest remand rate in the country at 67.1 prisoners (per 100,000) compared with 48.3 prisoners (per 100,000) Australia-wide.

With this project, the CAA is looking closely at the statistics, reviewing data and undertaking analysis to establish why South Australia has such a comparatively high rate of remand, and considering whether a reduction of this rate has the potential to reduce costs and improve resource productivity and efficiency.

Early Resolution

The ODPP leads the Early Resolution Project, to create efficiencies within the criminal justice sector by reducing the time taken to resolve matters in the early stages of the criminal justice process. The project aims to identify matters where defendants are likely to plead guilty as charged or guilty to more appropriate charges, and matters where charges should not proceed.

Action was needed to address the significant number of major indictable matters that were resolved late by a guilty plea or as a result of withdrawal of charges, that unnecessarily use up criminal justice resources.

In October 2011 the Major Indictable Briefs Review Committee made recommendations for change to current practices, procedures and legislation with respect to major indictable matters. The committee was made up of representatives from the ODPP, SAPOL and AGD, and was chaired by the Honourable Brian Martin QC AO. The recommendations resulted in a pilot program in the Holden Hill Magistrates Court aimed at accelerating the resolution of matters.

The project captured matters that would usually resolve in one of three ways: by guilty pleas to the offences charges, by guilty pleas to other alternative charges or by withdrawal. Work was brought forward, negotiations and consultation with police and victims occurred early.

Matters were concluded as soon as possible, rather than slowly reaching their inevitable conclusions after many court appearances and time in the system.

At the conclusion of the pilot program a series of recommendations were made relating to the changes required to realise the benefits of early resolution across all relevant criminal justice sector organisations. In 2015 these recommendations will be adopted and what was a pilot program will be put into practice.

Criminal Justice Information Management

The AGD leads the Criminal Justice Information Management (CJIM) Project overseen by the Council.

CJIM aims to break down silos of information to allow better decision making across justice, to improve the exchange, timeliness and accuracy of information across the criminal justice system and to ensure that the people in the criminal justice system who need to make decisions for the good of the community have access to the best and most up to date information available, in the most effective form, when it is required.

Through CJIM, business processes will be improved to avoid rework, overlap, duplication and unnecessary effort through better sharing (and electronic exchange of) information, to ensure delivery of a more efficient and justice service to South Australians.

Relevant legislation will be assessed to ensure that it reflects contemporary practice and to ensure the best outcome for all participants in the criminal justice system.

The current use of technology across the criminal justice system reflects the silos described in this paper, for example, information is not readily shared and the same information is entered into different systems multiple times. In order to improve the sharing of information and improve the way that information is used, there must be a continued focus on breaking down these silos to facilitate access to information along the continuum of the criminal justice system.

There must be a common and consistent view of a person in the criminal justice system in order to ensure that processes (both procedural and technological) prevent people from falling through the cracks. A common and consistent view of a person will allow the system to focus on protecting the vulnerable and assess ways in which we can improve the delivery of justice. There needs to be a focus on leveraging collective knowledge in more useful ways for the community.



Performance Measures

To track progress of reform and deliver better outcomes for the criminal justice system, a set of Performance Measures needs to be developed. The AGD leads the Performance Measures Project through which the Council has developed their vision for an ideal criminal justice system and through which the Council will develop the Performance Measures. This will enable the Council to establish what success will look like if that vision were achieved.

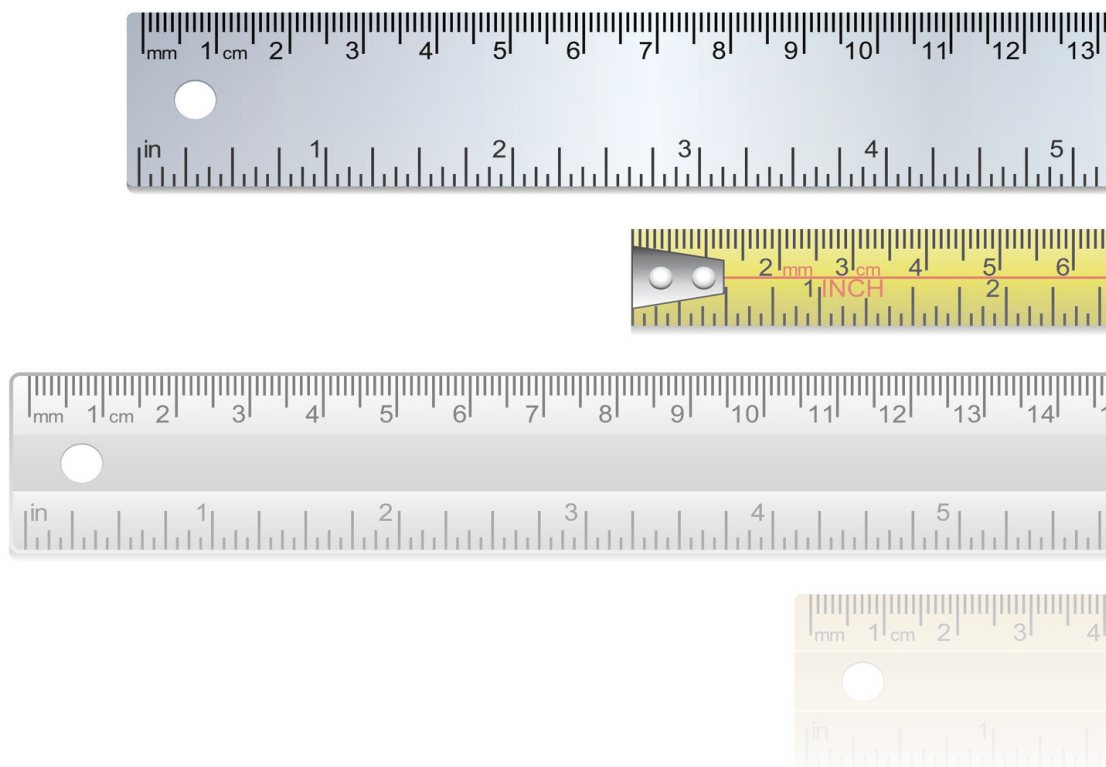
These Performance Measures, when combined, will provide a snapshot of South Australia's criminal justice system at a point in time; they will assist the Council, the community and those agencies that make up the criminal justice sector to determine whether reform is succeeding, whether expectations are being met and whether performance can be further improved. The Performance Measures will enable the Government and the Council to determine how to continue to improve performance.

Each element of the criminal justice system operates independently in silos. However the criminal justice system is a continuum and the Council is the perfect mechanism to achieve positive change across this continuum.

It is a common interest across the criminal justice sector and the community that costs are reduced and efficiencies increased. The criminal justice sector will need to demonstrate tangible improvements for victims and the community and therefore must invest resources in the capabilities required to assess where improvements can be made. Accessing the collective knowledge base within the criminal justice system will allow more strategic decisions about performance to be made.

The Council is Government's chosen means for oversight of the reform across the criminal justice system, ensuring that all agencies across the criminal justice system are jointly involved in the reform.

These five initial projects are just the beginning and it is the Government's intention that the members of the Council will continue to bring forward and support new initiatives for continued improvement of the criminal justice system.



Current Issues and Challenges: A Case for Change

The Council vision for an ideal criminal justice system is one that is just and fair, efficient, people focussed, visible and accessible.

The South Australian people deserve a criminal justice system that fulfils this vision and inspires confidence. The whole community benefits if we have an effective and efficient criminal justice system that contributes to a reduction in crime.

The criminal justice system must be people focussed and accountable to the community. Our vision is for a criminal justice system that is structured around its users, not its suppliers; that is modern and utilises modern technology and contemporary business practices; that ensures the best use is made of available resources and that the community receives value for every tax payer dollar spent.

The community expects resources not to be wasted.

The set of Performance Measures developed by the Council will provide a snapshot of the current performance of our criminal justice system, so that the Government, the criminal justice sector and the community can clearly identify where our system is performing well and where it is not.



Measuring our current performance is vital; we need a yard stick upon which we can measure our success or failure, to track improvements and ensure any reform is achieving positive outcomes to benefit the community. It is important to

measure current performance so that success in reform can be quantified; we need to assess performance and look inwardly to enhance the quality of the services we deliver.

We need evidence-based measures put in place to ensure positive results are proven. Only by working towards proven results can the South Australian community be assured they are receiving value for every dollar spent on our criminal justice system.

We measure crime rates, which in South Australia have been dropping. At the same time, when crime is falling, we need to ask why are there backlogs in our court system and why are matters taking longer to resolve?

Our re-offending rates are below that of the national average and we need to continue this trend.

We need to reduce the amount of time it takes for people arrested for a crime to come to trial. There are backlogs in our court system that mean victims and witnesses are waiting for extensive periods of time for their matters to be finalised, to have resolution.

Change is needed to improve outcomes for victims of crime and to meet community expectations for the timely dispensing of justice, without sacrificing the checks and balances aimed to protect the provision of substantive and procedural justice to defendants.

Unnecessary delays in the criminal justice system impact negatively on victims and witnesses. It is said that justice delayed is justice denied; the criminal justice system needs to address unnecessary delays to ensure that justice is done for victims of a crime, witnesses and for the community as a whole.

The Government will be asking the profession to consider a culture of early response. This will inevitably involve a cultural change to ensure the modernisation of the system.



Each time a person pleads guilty on the first day of their trial, police, forensic, court and prosecution resources may have been wasted if that guilty plea could have been achieved earlier. The Early Resolution Project lead by the ODPP is the first step to save time and resources across the sector.



Victims of crime and the community are entitled to expect a criminal justice system that ensures offenders are dealt with swiftly, that people who break the law face appropriate consequences and that victims of crime are treated with respect and sensitivity. Information about the progress of a matter should be readily available to victims and witnesses.

Victim satisfaction should be effectively measured and monitored.

Offenders must be punished and held to account for their actions. Our criminal justice system must provide the judiciary with appropriate options and flexibility in sentencing.

To enhance community protection we need to reduce rates of crime and the rate at which people offend and re-offend. Once sentenced, we need to ensure that offenders are appropriately managed, either in the community or in prison, to facilitate rehabilitation and reintegration into the community. We need to continue to explore ideas to improve the effectiveness of rehabilitation and reintegration services so that communities continue to become safer.

The community is entitled to expect that the criminal justice system does not waste resources and should receive value for money spent on the system.

We know that across the criminal justice sector, the same piece of information, the same data, is entered into separate systems by different individuals. Information is captured in each silo and work is duplicated. Through the Council's CJIM Project the Government intends to eliminate this duplication.

The criminal justice system needs to enter the digital age, reduce and remove reliance on paper and embrace technology to create faster systems so more can be done with the information we have. We need to take a holistic view of justice information and implement automated efficient systems.

Courtrooms are assets that must be fully utilised. We need to consider targets for courtroom utilisation to ensure productive use. Technology must be embraced within the courtroom setting, for example, enhancing and encouraging the use of audio visual technology for party and prisoner appearances.

Persons accused of a crime are entitled to a fair trial and entitled to expect that their matters are dealt with efficiently. By capturing and having access to information on an individual matter as they travel along the continuum of the criminal justice system, performance of elements of the system can be tracked and issues for progress identified and tackled.

In South Australia there is currently no single agency with responsibility for the governance of the criminal justice sector as a whole. Whilst AGD has taken a lead role in supporting the Minister for Justice Reform and the Council, leadership is vital for reform to be successful, to promote the cultural change required and the necessity of a new approach. Governance of the criminal justice sector should be re-considered.

The criminal justice system serves the community and justice must be seen to be done to be truly done; the current criminal justice system is just not transparent enough.

The community cannot easily access information about the performance of the criminal justice system. There should be transparency, leading to enhanced community understanding and greater accountability to the community for performance of the criminal justice sector.

We want to use technology to create transparency for victims of crime who deserve accurate, timely up to date information about the progress of an investigation and prosecution.

With transparency and enhanced performance, our community can have confidence in the criminal justice system. An efficient and effective criminal justice system promotes public confidence in our legal system which is central to maintaining peace, order and good government in our society.

To achieve change, bold and brave choices will have to be made. Resources will need to be fully utilised and the quality and efficiency of existing resources understood. The criminal justice sector is not immune to cost savings requirements of Government agencies. All elements of the sector need to demonstrate value for money. No part of the system will be immune from change. The criminal justice system will be viewed and re-considered as a whole; resources may need to be transferred out of one agency into another to benefit the criminal justice system as a whole.

There is a financial incentive to work together.

It is a common interest that costs are reduced and efficiencies increased. Any reform of the criminal justice sector will need to demonstrate tangible improvements for victims and the community and we need to ensure that success can be readily and easily demonstrated.

Next Steps

The South Australian Government is committed to progressing reform to create a future criminal justice system that meets community expectations, that protects and supports victims, that acts quickly and effectively so that offenders face consequences in a timely manner.

To achieve this outcome will require effort, leadership, commitment and dedication, provided by the Minister for Justice Reform and AGD with the support of the Government and the agencies within the criminal justice system working together, outside their individual silos, in recognition of the important role they play in the continuum that is the criminal justice system.

The Government will continue to support the work of the Council. It is the Government's intention that the Council will continue to bring forward new initiatives for the continued improvement of the criminal justice system.

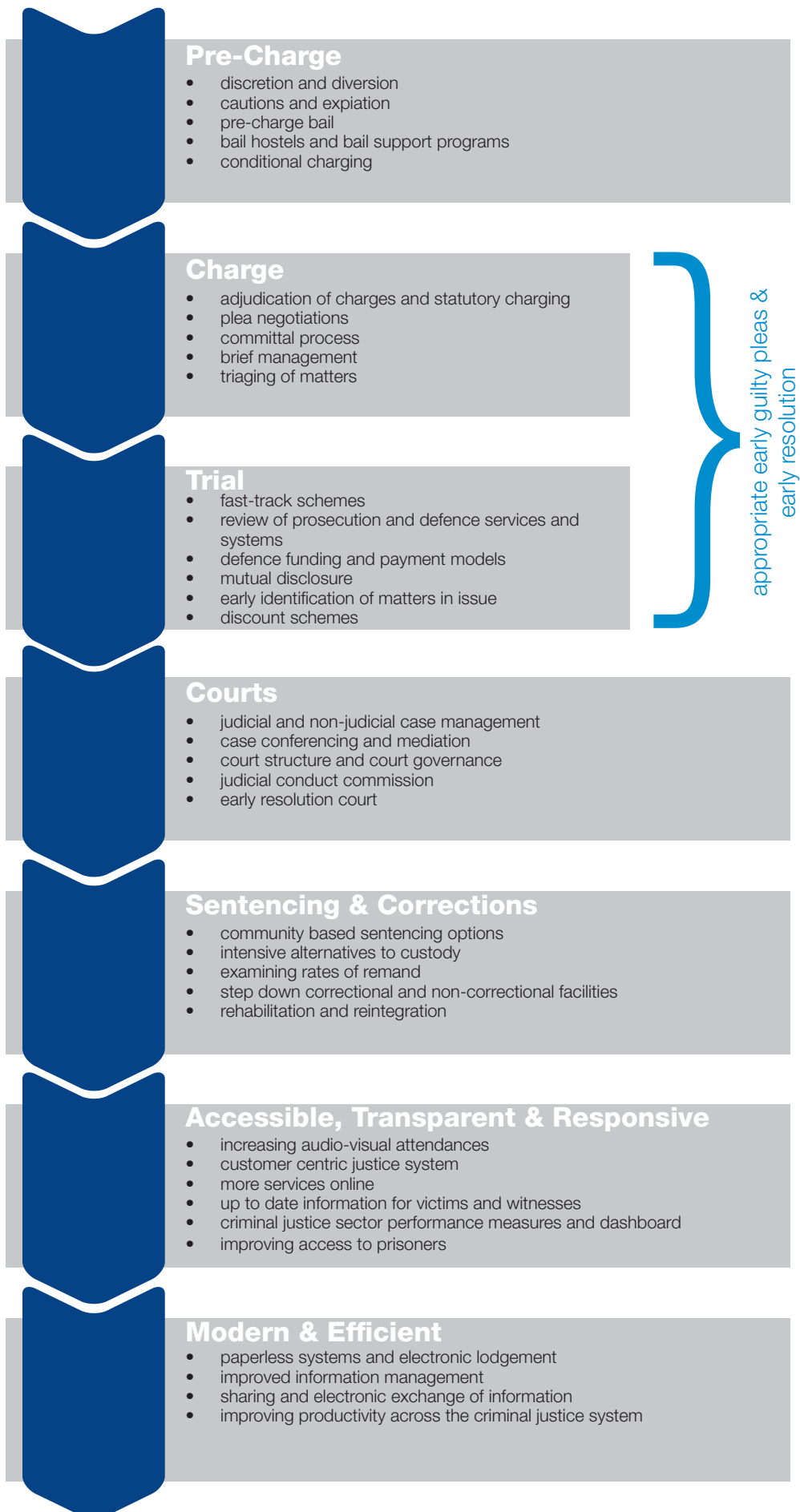
Benchmarks for performance will be put in place and targets for improvement will be set.

Information about the performance of the criminal justice sector will be made readily available in an understandable format so that there is transparency for the community about how the criminal justice system is performing.

There is work being done across the nation and across the world to improve the efficiency and effectiveness of criminal justice systems. There has been a large amount of work and research undertaken in this area. Building upon this large body of research, it is Government's intention to put to the community, the legal profession and the criminal justice sector bold and brave ideas for proposed reform. Views will be sought and hard conversations will be had to ensure the best possible outcome for South Australia.



Appendix One: Map of Ideas



Appendix Two: Data Sources

PAGE	DATA
Page 4	Lodgement numbers sourced from: Courts Administration Authority Annual Report 2013-2014.
Page 11	Remand rates sourced from: Australian Bureau of Statistics. Corrective Services, Australia, June Quarter 2014. Cat. no. 4512.0. 'Table 9 Imprisonment rates, By legal status'. Canberra. Released 11 September 2014. Viewed 28 November 2014. < http://www.abs.gov.au/AUS-STATS/abs@.nsf/DetailsPage/4512.0June%20Quarter%202014?OpenDocument >
Page 14	Victim Reported Crime rates sourced from: Office of Crime Statistics and Research (2014)
Page 15	Proportion of criminal cases withdrawn data sourced from: Australian Bureau of Statistics (2014). Criminal Courts, Australia, 2012-13. Cat. no. 4513.0. 'Table 1 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, Court level by states and territories' (All Courts). Canberra. Released 27 March 2014. Viewed 28 March 2014. < http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4513.02012-13?OpenDocument >
Page 15	Time from Case initiation to finalisation data sourced from: Australian Bureau of Statistics (2014). Criminal Courts, Australia, 2012-13. Cat. no. 4513.0. 'Table 1 SUMMARY CHARACTERISTICS OF ALL DEFENDANTS, Court level by states and territories'. Canberra. Released 27 March 2014. Viewed 28 March 2014. < http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4513.02012-13?OpenDocument >
Page 15	Finalisation information sourced from: Productivity Commission (2014). Report on Government Services 2014. Volume C: Justice. Chapter 7 - Courts Attachment Tables. 'Table 7A.19: Backlog indicator (as at 30 June), criminal'. Melbourne. Released 29 January 2014. Viewed 26 May 2014. < http://www.pc.gov.au/gsp/rogs/justice >

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