



Government of **Western Australia**
Department of **Justice**
Office of the Director General



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Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community
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Dear Ms Sharpe

Submission to the Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community

Thank you for the opportunity to make a submission to the Legislative Council's Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community (the Committee).

The Department's submission is attached.

I trust that the information contained within is of some assistance to the Committee's inquiry. Should further information be required, please contact Anna O'Brien, Principal Policy Officer, Strategic Reform on 9264 1720.

I look forward to the outcome of the Committee's inquiry.

Yours sincerely

Dr Adam Tomison
DIRECTOR GENERAL

21 November 2018

Attach. Department of Justice submission to the Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community

DEPARTMENT OF JUSTICE – SUBMISSION TO THE SELECT COMMITTEE INTO ALTERNATE APPROACHES TO REDUCING ILLICIT DRUG USE AND ITS EFFECTS ON THE COMMUNITY

The Department of Justice (the Department) supports the community, Western Australian Government, judiciary and Parliament through the provision of access to high-quality justice, legal and corrective services, information and products.

The Department is the agency principally responsible for assisting the Attorney General and Minister for Corrective Services in developing and implementing policy and the administration of, and compliance with, approximately 200 Acts of Parliament.

The Department has approximately 6,500 staff and a budget of \$1.4 billion and has a diverse range of services which include:

Justice Services

- Court and tribunal services
- Corrective services
- Offender management and community safety
- Victim support

Services to the Community

- Advocacy, guardianship and administration services
- Trustee services
- Birth, death and marriage services

Services to Government

- Policy advice
- Legal advice and representation
- Legislative drafting and related services

CORRECTIVE SERVICES

Corrective Services manages close to 13,000 adult offenders at any one time. Nearly 7,000 of these are housed across the prison estate while another nearly 6000 offenders are completing their sentence in the community.

The prison population has experienced continued and sustained growth, leading to unprecedented demand for capacity. Since, 2012/13, the daily average prison population has increased by 36.8 per cent. During 2017/18 adult prisons accommodated an average of 6,771 prisoners a day. A number of strategies have been employed to both optimise the existing infrastructure in the short term and expand the overall capacity of the prison estate for the long term.

Combatting drug-related crime

Reducing drug-related crime and addressing the methamphetamine problem in WA is a State Government priority. In 2017/18 Corrective Services led and contributed to a number of strategies as part of the Methamphetamine Action Plan. This included planning the development of the first of two dedicated alcohol and other drug rehabilitation prisons aimed at breaking the cycle of drug related crime.

In August 2018, Wandoo Rehabilitation Prison, the State's first alcohol and drug rehabilitation prison for women, was officially opened. Planning for a second alcohol

and other drug facility for men at Casuarina prison is underway. This facility is due to open in mid-2020.

Stopping the supply of drugs into prison

The Department has drafted a new prison drug and alcohol strategy, which details how the Department is strengthening measures to combat the supply of drugs into prison. The strategy is expected to be fully implemented in 2018/19.

Offender Management

Offender Management delivers a range of specialist services specifically designed to reduce reoffending and increase community safety. Offender Management's primary focus is on:

- improving offenders' health and psychological wellbeing;
- improving offenders' education, vocational skills, and employability;
- promoting rehabilitation and pro-social lifestyles; and
- assisting offenders to reintegrate successfully into the community.

Offender Management provides leadership and support for offender focused services across Corrective Services. It has increased the delivery of rehabilitation and reintegration services, including partnerships with non-government organisations, and is enhancing the support and care provided by Aboriginal specific services to address the over-representation of Aboriginal offenders in the justice system in a practical way.

Offender Management is responsible for the delivery of therapeutic, criminogenic programs to offenders in both community and custodial locations. These programs address offending behaviour, aiming to reduce the likelihood of reoffending and therefore increase community safety.

Attachment A outlines the criminogenic programs delivered in Western Australian prisons and associated costs.

Attachment B sets out some key statistics on drug-related offences and offending.

ATTACHMENT A – CRIMINOGENIC PROGRAMS DELIVERED IN WESTERN AUSTRALIAN PRISONS

Offender Management is responsible for providing rehabilitation programs to prison-based sentenced offenders assessed as requiring intervention. These programs which are delivered across Western Australia cover the following areas:

- cognitive skills;
- general offending;
- substance use;
- violent offending; and
- sexual offending.

Programs are delivered by internal staff, as well as through funding arrangements with external non-Government Organisations.

The alcohol and other drug (AOD) program delivered to offenders in prison is the Pathways Program. The Pathways Program is a 100 hour structured psycho-educational program, which provides treatment to individuals who have a history of offending behaviour and substance use problems. It is an intensive, cognitive-behavioural, skills based program, and attends to both personal circumstances (events) and intrapersonal processes (thoughts, emotions, beliefs and attitudes) that lead to criminal conduct and substance use.

At Wandoo Rehabilitation Prison, a dedicated AOD prison for women, the Department contracts the delivery of Moral Reconciliation Therapy (MRT). MRT is a psycho-educational program focusing on relapse prevention and individual counselling in a modified therapeutic community setting.

In 2017/18 the Department spent just over \$1.25m on the internal delivery of AOD programs (this figure does not include expenditure on programs delivered by external service providers, which was substantially more). Offenders assessed as having AOD needs that require therapeutic intervention may also be assessed as requiring other therapeutic interventions e.g. cognitive skills programs. The allocation of funding can vary from year to year and even quarter to quarter as it is contingent in part upon the identified treatment needs of the specific prisoner cohort.

For the 2018/2019 financial year, \$4.83m has been allocated to the delivery of AOD programs by external service providers.

ATTACHMENT B – DEPARTMENT OF JUSTICE STATISTICS ON DRUG-RELATED OFFENCES

This document sets out some key statistics recorded by the Department of Justice in respect to drug-related offences. These statistics include:

- the number of criminal cases lodged in the Magistrates Court in Western Australia, broken down by offence type
- the proportion of criminal cases lodged in the Magistrates Court in Western Australia, broken down by offence type.
- the number of criminal charges lodged in the Magistrates Court in Western Australia.
- the number and proportion of prisoners received into custody for drug-related offences by financial year.
- the number and proportion of offenders commencing their community orders for drug-related offences by financial year.
- the number of sentenced prisoners (with drug-related offences) discharged two years prior to specified financial year and returned to custody as non-fine default sentence custody
- the number of sentenced prisoners (with drug-related offences) discharged two years prior to specified financial year and returned to community.
- The number of sentenced prisoners (with drug-related offences) discharged two years prior to specified financial year and returned to corrections (either custody as non-fine default sentence custody or community)

Definitions and Terminology

ANZSOC	Australian and New Zealand Standard Offence Classification is a hierarchical classification of offences developed by the Australian Bureau of Statistics.
Drug-related offence	Drug-related offences under the ANZSOC Division 10. (Refer to Table 1)
Offender	A term used interchangeably. Primarily it describes people managed by Corrective Services in the community. In the appropriate context it is also used as a general term to refer collectively to all Corrective Services clients (custodial and community). Please see Prisoner and Detainee for disambiguation of custodial nomenclature.

Prisoner	As defined in the Prisons Act, an adult person committed to prison for punishment, on remand, for trial, to be kept in strict custody, for contempt of court, for contempt of Parliament or otherwise ordered into strict security or safe custody, or otherwise ordered to be detained in a prison under a law of the State or the Commonwealth and also means a prisoner whose sentence has been commuted by an extension of the Royal Mercy and in each case a person continues to be a prisoner for so long as he or she remains in lawful custody.
Rate of Return - Prison to Prison (Drug-Related Offences)	The percentage of prisoners released from custody after serving a sentence with drug-related offences, who return to prison under sentence (for any offences and for drug-related offences) within two years of their release. Counts total releases, including multiple exits and returns by distinct persons in the reporting period.
Rate of Return - Prison to Community (Drug-Related Offences)	The percentage of prisoners released from custody after serving a sentence with drug-related offences, who return as being managed under a community order (for any offences and for drug-related offences) within two years of their release. Counts total releases, including multiple exits and returns by distinct persons in the reporting period.
Rate of Return - Prison to Corrective Services (Drug-Related Offences)	The percentage of prisoners released from custody after serving a sentence, who return to Corrective Services (to prison under sentence or being managed under a community order) within two years of their release (for any offences and for drug-related offences). Counts total releases, including multiple exits and returns by distinct persons in the reporting period.
Sentenced Prisoner	A person serving a sentence issued by a Court of Law.

Table 1: Australian and New Zealand Standard Offence Classification (ANZSOC) that can be conceived of as drug-related offence

Description	Division Description	Subdivision Description
Import or export illicit drugs, n.f.d	Illicit Drug Offences	Import or export illicit drugs
Import illicit drugs	Illicit Drug Offences	Import or export illicit drugs
Export illicit drugs	Illicit Drug Offences	Import or export illicit drugs
Deal or traffic in illicit drugs, n.f.d	Illicit Drug Offences	Deal or traffic in illicit drugs
Deal or traffic in illicit drugs - commercial quantity	Illicit Drug Offences	Deal or traffic in illicit drugs
Deal or traffic in illicit drugs - non-commercial quantity	Illicit Drug Offences	Deal or traffic in illicit drugs
Manufacture or cultivate illicit drugs, n.f.d	Illicit Drug Offences	Manufacture or cultivate illicit drugs
Manufacture illicit drugs	Illicit Drug Offences	Manufacture or cultivate illicit drugs
Cultivate illicit drugs	Illicit Drug Offences	Manufacture or cultivate illicit drugs
Possess and/or use illicit drugs, n.f.d	Illicit Drug Offences	Possess and/or use illicit drugs
Possess illicit drugs	Illicit Drug Offences	Possess and/or use illicit drugs
Use illicit drugs	Illicit Drug Offences	Possess and/or use illicit drugs
Other illicit drug offences, nec	Illicit Drug Offences	Other illicit drug offences

Notes

n.f.d means "not further defined".

Table 2. Case Lodgements by Offence Type (ANZSOC Division)

ANZSOC Offence	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 year	% Change 5 years
10: Illicit Drug Offences	6,498	7,708	10,121	12,005	13,179	9.8%	102.8%

Table 2 shows the number of criminal cases lodged in the Magistrates Court in Western Australia, broken down by offence type. 'Case' refers to an offender processed through the Magistrates Criminal jurisdiction with one or more charges lodged on any one occasion (e.g. an offender with 16 charges lodged on 14 February and same offender with a further 8 new charges lodged the following day but all heard together in Court on 15 March counts as two cases, not one case or 24 cases).

Notes

(a) The Australian and New Zealand Standard Offence Classification (ANZSOC) has been used to group offences. ANZSOC is a national standard developed by the Australian Bureau of Statistics. For more detail, please refer to www.abs.gov.au/ausstats/abs@.nsf/cat/1234.0

(b) Offence descriptions used here are based on the ANZSOC Division (the top level of the 3 level ANZSOC hierarchy).

Table 3. Case Lodgements by Offence Type (ANZSOC Division) – Percentage of cases within each year

ANZSOC Offence	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 year	% Change 5 years
10: Illicit Drug Offences	7.1%	8.7%	10.3%	11.9%	12.4%	4.4	n/a

Table 3 shows the proportion of criminal cases lodged in the Magistrates Court in Western Australia, broken down by offence type.

Notes

(a) The Australian and New Zealand Standard Offence Classification (ANZSOC) has been used to group offences. ANZSOC is a national standard used to group offences in a 3 level hierarchy.

(b) Offence descriptions used here are based on the ANZSOC Division (the top level of the ANZSOC hierarchy) . See appendix for more details.

(c) If 'n/a' is present in the % Change column, the values of the columns in the table being compared are less than or equal to 10. It is not appropriate to make statistical comparisons for variables with values this low.

Table 4. Charge Lodgements by Offence Type (ANZSOC Division)

ANZSOC Offence	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 year	% Change 5 years
10: Illicit Drug Offences	13,309	16,246	21,617	27,218	29889	9.8%	124.6%

Table 4 shows the number of criminal charges lodged in the Magistrates Court in Western Australia. A charge is a single allegation that an accused has breached a provision of the criminal law. A charge is not counted as a case. A case can be made up of one or more charges.

Notes

(a) Only initial lodgements are counted, excluding all arrest warrant returns and reactivated charges.

(b) Excludes all civil cases, Extraordinary Driver's Licence applications, Restraining Order applications and Protection and Care applications.

Table 5: Number/ proportion of prisoners received into custody for drug-related offences by financial year

Financial Year	All Receptions			Distinct Count (Distinct Prisoners)		
	All Offences	Drug-Related Offences	%	All Offences	Drug-Related Offences	%
2015-2016	11,339	3,849	33.94%	8,346	3,206	38.41%
2016-2017	12,369	4,560	36.87%	9,212	3,837	41.65%
2017-2018	11,782	4,234	35.94%	8,842	3,630	41.05%

Table 5 shows both the number and proportion of prisoners received into custody for drug-related offences by financial year. The columns headed "All Receptions" refers to the total number of receptions (and may include the same person being received into custody on more than one occasion). Distinct count is the total number of distinct prisoners received into custody.

Table 6. Number/ proportion of offenders commencing their community orders for drug-related offences by financial year

Financial Year	All Orders			Distinct Count (Distinct Offenders)		
	All Offences	Drug-Related Offences	%	All Offences	Drug-Related Offences	%
2015-2016	9,163	1,657	18.08%	7,167	1,413	19.72%
2016-2017	10,159	1,993	19.62%	7,877	1,691	21.47%
2017-2018	10,263	2,048	19.96%	8,245	1,600	19.41%

Table 6 shows both the number and proportion of offenders commencing their community orders for drug-related offences by financial year. The columns headed "All Orders" refers to the total number of community orders (and may include the same person being received into custody on more than one occasion). Distinct count is the total number of distinct prisoners received into custody.

Table 7. Rate of return - Prison to Prison (Drug-related Offences)

Financial Year	Sentenced Discharges With Drug-Related Offences	Return to Custody as Sentenced With Any Offences		Return to Custody as Sentenced With Drug-Related Offences	
		Number	Rate	Number	Rate
2015-2016	1,088	463	42.56	246	22.61
2016-2017	1,173	464	39.56	241	20.55
2017-2018	1,261	519	41.16	273	21.65

Table 7 show the number of sentenced prisoners (with drug-related offences) discharged two years prior to specified financial year and returned to custody as non-fine default sentence custody

Notes

Excludes discharges for custodial stays related to suspensions of early release orders, and including whether or not the stay resulted in a subsequent return to non-fine default sentence custody (excluding parole suspensions)

Table 8. Rate of return - Prison to Community (Drug-related offences)

Financial Year	Sentenced Discharges With Drug-Related Offences	Return to Community With Any Offences		Return to Community With Drug-Related Offences	
		Number	Rate	Number	Rate
2015-2016	1,088	113	10.39	19	1.75
2016-2017	1,173	122	10.40	35	2.98
2017-2018	1,261	155	12.29	31	2.46

Table 8 shows the number of sentenced prisoners (with drug-related offences) discharged two years prior to specified financial year and returned to community.

Table 9. Rate of return - Prison to Corrective Services (Drug-related offences)

Financial Year	Sentenced Discharges With Drug-Related Offences	Return to Corrections With Any Offences		Return to Corrections With Drug-Related Offences	
		Number	Rate	Number	Rate
2015-2016	1,088	536	49.26	276	25.37
2016-2017	1,173	534	45.52	280	23.87
2017-2018	1,261	608	48.22	301	23.87

Table 9 shows sentenced prisoners (with drug-related offences) discharged two years prior to specified financial year and returned to corrections (either custody as non-fine default sentence custody or community)

Notes

Excludes discharges for custodial stays related to suspensions of early release orders, and including whether or not the stay resulted in a subsequent return to non-fine default sentence custody (excluding parole suspensions)