

OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

Trends influencing the prison population in Western Australia

2005 - 2016

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1 Purpose of this research

This report is intended to develop a holistic picture of crime and justice issues in Western Australia (WA) using recent available data. The report makes use of a range of sources of information including:

- Australian Bureau of Statistics (ABS) data;
- Productivity Commission for the Steering Committee for the Review of Government Service Provision reports;
- Annual report information from the WA Prisoners Review Board;
- Analysis of relevant legislative changes relating to remand, sentencing, and parole;
- Previous publications released by the WA Office of the Inspector of Custodial Services; and
- Contemporary criminological research findings that contribute to this picture.

At a high-level, this report examines imprisonment trends, crime trends, and trends relating to sentencing and parole. Some 'known-unknowns' are also discussed, along with contemporary criminological issues that local policy-makers should be mindful of. The hope is that when considered in aggregation this information provides greater insight into factors that may be impacting on imprisonment rates in WA.

2 Longitudinal imprisonment trends in Western Australia

This section presents data on longitudinal imprisonment trends in WA including:

- Longitudinal variations in prisoner numbers by prisoner sentencing status and security classification; and
- Longitudinal changes in imprisonment by offender sex and Aboriginal status.

2.1 Trends in prisoner numbers by legal sentencing status

The ABS (2015b) provides data that allows the trends in WA to be compared to the national imprisonment patterns between 2005 and 2015. Over this time the national imprisonment population increased by 42.5 per cent (from 25,357 to 36,134). At the same time the WA prison population increased by 59.6 per cent (from 3,480 or 13.7% of the national prison population to 5,555, 15.4% of the total national population).

Commencing at 1 July 2006 and concluding on 1 June 2016, the prison population for the first day of the month were extracted from Corrective Services databases (Government of Western Australia, unpublished). This data was examined to see what the longitudinal trends have been for imprisonment with respect to the legal sentencing status of the prisoners: sentenced, detained on remand, and detained awaiting appeal. Figure 1 shows the absolute numbers for each of these sentencing statuses.

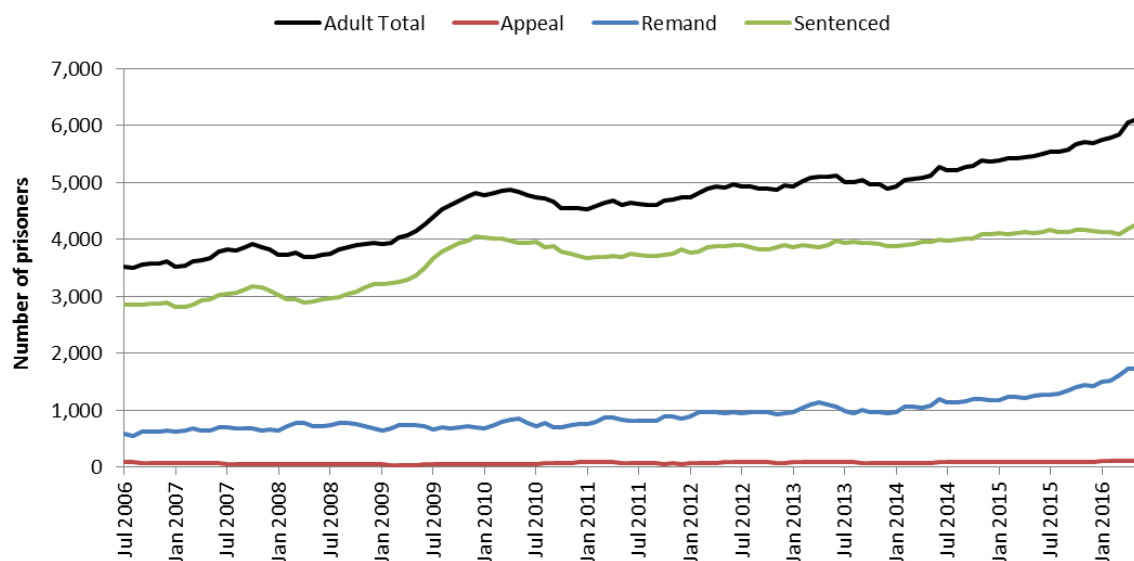


Figure 1.

Monthly trends in WA adult prisoner numbers by sentencing status: July 2006 to June 2016.

The main trends displayed in Figure 1 include:

- An absolute increase of 76.1 per cent in the total number of people in prison from 3,527 at 1 July 2006 to 6,210 on 1 June 2016 (black line). This was an average increase of approximately 18.8 prisoners per month over this time.

- The absolute number of prisoners detained post-sentence has increased by 52.3 per cent (green line), from 2,849 to 4,338.
- The frequency of prisoners detained on remand (blue line) has increased by 195.6 per cent, from 591 to 1,747.
- The frequency of prisoners detained while awaiting appeal (red line) has increased by 27.9 per cent, from 86 to 110.

To get a sense of the relative frequency of each of these reasons for being imprisoned over time, the monthly counts for sentenced, remanded, and appellant prisoners were converted to rates per 1,000 prisoners. These rates were then indexed (using 1 July 2007 as the index date), and the relative rates of imprisonment for each of these reasons were calculated for each month in the time series (see Figure 2).

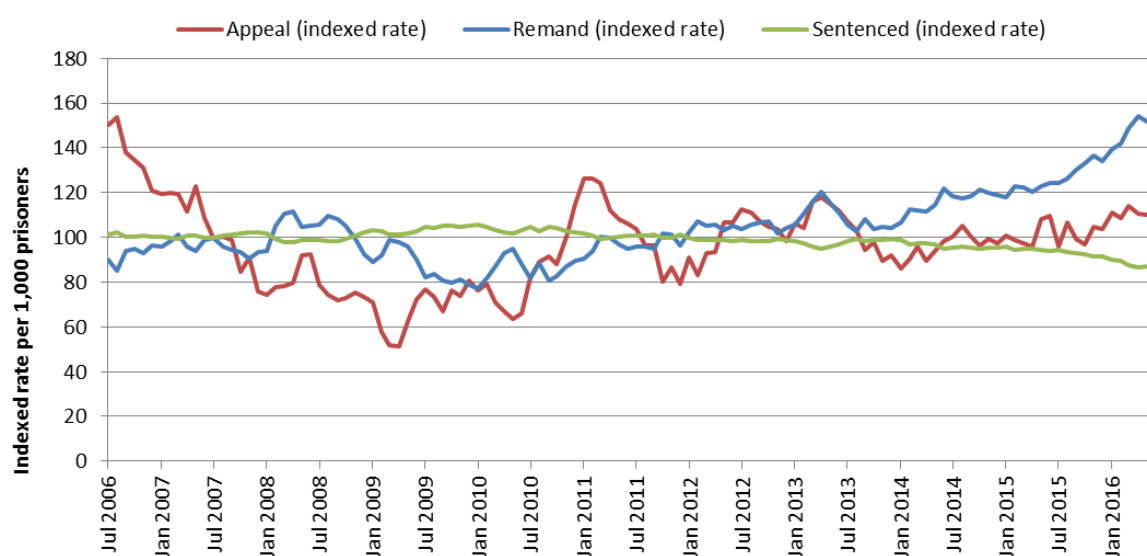


Figure 2.

Sentencing status indexed rates (1 July 2007 index date) WA adult prisoners: July 2006 to June 2016.

Figure 2 demonstrates the results of this indexation process. Keeping in mind the overall steady increase in the prison population throughout this time period, some interesting trends are revealed from this analysis, including:

- The rates for sentenced prisoners (green line) peaked in early-2010 and have been declining steadily since then to a low of 86.7 in the middle of 2016.
- The rate for prisoners being detained on remand (blue line) was generally below the index point for the first six years of the time series (reaching a low of 77.3 in late-2009). However, since the start of 2012 the rate of prisoners detained on remand has increased, with a sharp increase from early-2014. This peaked in the first half of 2016, 53.5 per cent above the index point from mid-2007.

- The relatively small numbers of people in custody detained while awaiting appeals accounts for the large fluctuations in the rates for this data (red line). These trends should be interpreted with caution, but are likely increasing by about 9 per cent by the end of the time series.

To provide some national context on these remand rates, it is important to look at the relative trends for WA and Australia on the percentage of the prison population who were unsentenced (ABS 2015b). In WA this figure was 15.9 per cent in 2005 and increased to 23.6 per cent by 2015 (1.48 times greater). In comparison, the national figures increased from 20.2 per cent in 2005 to 27.4 per cent in 2015 (1.36 times greater). This means that although the WA rate of unsentenced prisoners was below the national rate throughout this period, the relative growth in this sentencing status was increasing more quickly in WA.

2.2 Monthly trends in prisoner numbers by security classification

The Corrective Services data set (Government of Western Australia, unpublished) was also examined to look at the monthly trends in prisoner numbers over this period by security classification (see Figure 3).

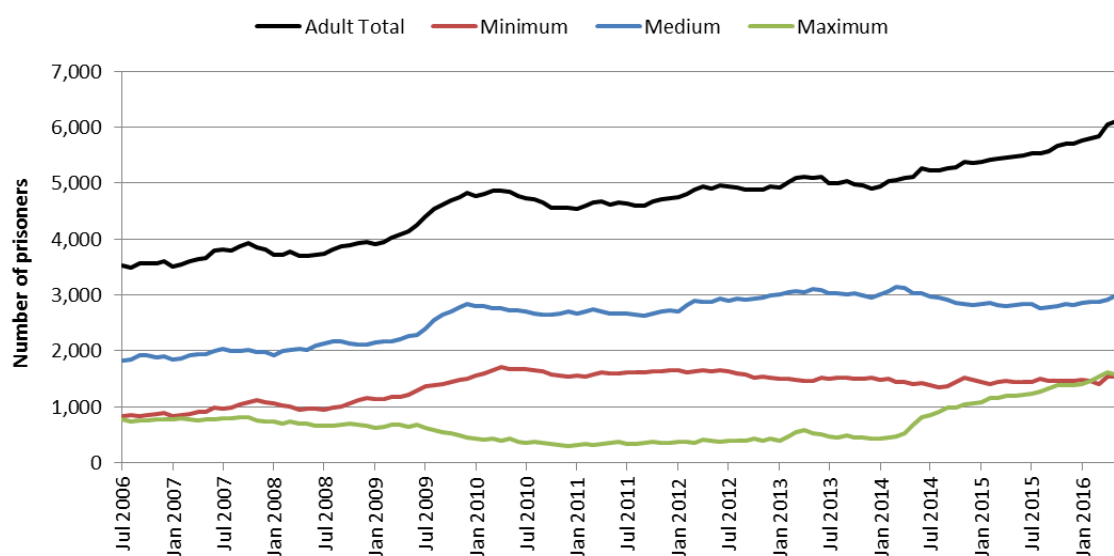


Figure 3.

Monthly trends in WA adult prisoner numbers by security classification: July 2006 to June 2016.

The main trends in Figure 3 include:

- Minimum security imprisonment increased by 88.6 per cent (826 to 1,558, red line);
- Medium security imprisonment increased by 67.7 per cent (1,834 to 3,076, blue line); and

- Maximum security imprisonment increased by 100.8 per cent (785 to 1,576, green line).

Once again, in order to get a perspective on the relative frequency of each of these security classifications over time, the monthly counts for minimum, medium, and maximum security classifications were converted to rates per 1,000 prisoners. These rates were indexed (again, using 1 July 2007 as the index date) and the relative rates of imprisonment at each security classification level were calculated for each month in the time series. Figure 4 demonstrates the results of this process.

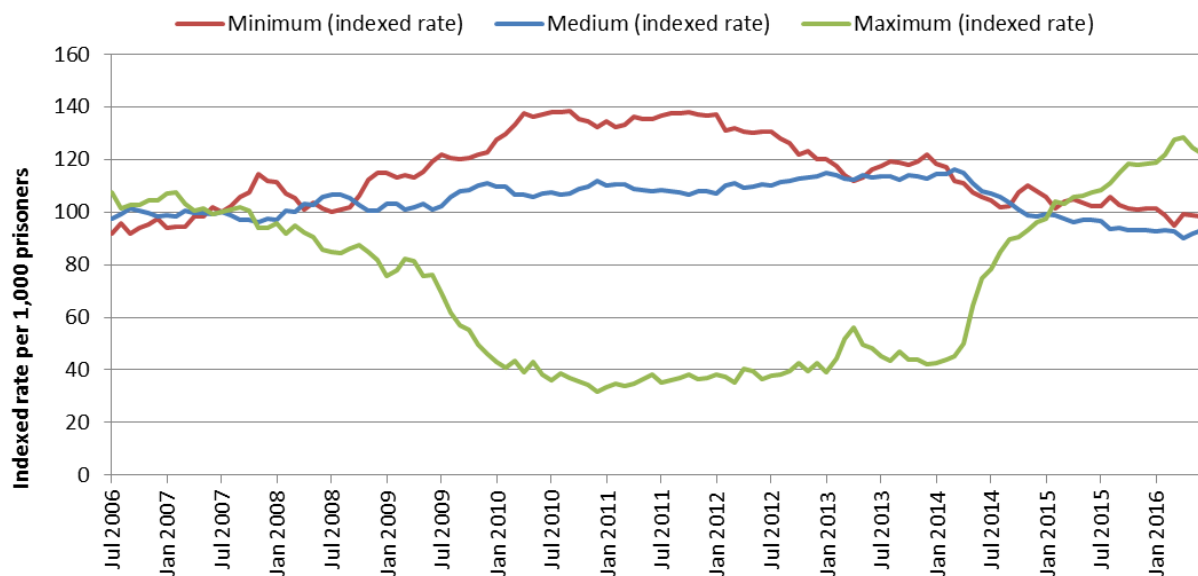


Figure 4.

Security classifications indexed rates (1 July 2007 index date) WA adult prisoners: July 2006 to June 2016.

Considering the overall increase in prison numbers during this time, Figure 4 identifies some interesting trends, including:

- The rates at which maximum security classifications (green line) were imposed varied immensely over this time (indexed min = 31.8 and max = 128.5). From 2010 there was a 3.5 year period where the relative rates of maximum security were very low. From the start of 2014, these rates have been steadily increasing, up to a point where it was 22 per cent more likely that a person in custody would be classified as requiring maximum security imprisonment in June 2016. All people held on remand are initially given a maximum security classification which may be revised if the person is on remand for a long time. The rise in maximum security classifications aligns with the rise in the number of people held in custody on remand.
- The rates of minimum security classifications (red line) varied in an inverse manner to those for the maximum security classifications. From mid-2010 there was roughly a two year period where the use of this classification was up almost 40 per cent from the index month. By July 2012 this trend started to reverse and the use of

this classification has steadily declined ever since (down 1.7 per cent overall relative to the index month).

- Relatively, the rates of medium security classifications (blue line) have fluctuated less. However, the indexed rate did increase by as much as 16.3 per cent before declining from January 2014. The final point in the time series represents a 7.1 per cent reduction relative to the index month.

2.3 Demographics of WA prisoners relative to the national patterns

2.3.1 Imprisonment by offender sex

Analysis of the daily average prison population in WA each month (Government of Western Australia, unpublished) demonstrated that around 90.5 per cent of adults in prison in WA are male. To remain consistent with the analysis presented in Figure 2 and Figure 4, the absolute differences in male and female prisoner numbers were compared between 1 July 2007 and 1 June 2016. This analysis showed that the number of females in prison increased by 87.4 per cent (from 326 to 611) and the numbers of males increased by 60.2% (from 3,494 to 5,599).

The national collections on imprisonment rates provide useful context to these findings (see Table 1). In 2005 the rate of male imprisonment in WA was estimated to be 424.6 per 100,000 (ABS, 2006): 1.36 times greater than the national rate. By 2015 the WA male imprisonment rate had increased by 17.8 per cent to 500.1 per 100,000 (ABS 2015b): 1.37 times greater than the rate for Australia overall. In comparison, in 2005 the rate of female imprisonment in WA was estimated to be 1.60 times greater than the national rate at 35.3 per 100,000 (ABS 2006). This WA rate had increased by 50.0 per cent by 2015 to 52.9 per 100,000 in 2015 (ABS 2015b): 1.72 times above the national estimates for that year.

Table 1:

Annual trends in imprisonment rates, WA and Australia: 2005 to 2015 (source: Table 14 ABS 2015b).

Year	Imprisonment Rate per 100,000 people			
	Male		Female	
	WA	Australia	WA	Australia
2005	424.6	311.2	35.3	22.1
2006	421.4	312.1	33.7	23.0
2007	441.9	322.4	41.3	24.5
2008	424.4	320.3	33.4	23.7
2009	477.5	331.0	40.2	25.2
2010	499.1	328.2	46.5	25.9
2011	477.1	318.5	39.3	23.2
2012	483.8	309.9	48.2	24.4
2013	461.7	322.3	47.0	25.9
2014	477.6	347.5	47.9	28.1
2015	500.1	365.7	52.9	30.7

2.3.2 Imprisonment by Aboriginal Status

The monthly prison population in WA (Government of Western Australia, unpublished) was also examined to see the trends with respect to imprisonment of Aboriginal people. On average, 40.3 per cent of the adults in prison on any month in this period were Aboriginal (min = 37.4% to max = 43.6%). Again, comparing 1 July 2007 to 1 June 2016, the absolute number of Aboriginal people imprisoned increased by 43.3 per cent over this time. In comparison, there was a 77.3 per cent increase in the total number of non-Aboriginal people imprisoned over the same period.

The ABS *Prisoners in Australia (4517.0)* data provides insight into the rate of imprisonment of Aboriginal people in WA (relative to non-Aboriginal people and also to the national rates). In 2006 the rate of Aboriginal and Torres Strait Islander imprisonment in WA was estimated to be 3,385.4 per 100,000 people (ABS 2006). This was 1.59 times greater than the national rate (2,126.9 per 100,000 people) and 24.1 times greater than the estimated rate of imprisonment for non-Indigenous people in WA (140.7 per 100,000 people) (ABS, 2006). By 2015 the rate of Aboriginal and Torres Strait Islander imprisonment in WA had increased to an estimated 3,621.2 per 100,000 people (ABS 2015b, Table 16): 1.14 times greater than the national average of 2,252.6 per 100,000. The 2015 rate of Aboriginal imprisonment in WA was still 20.4 times greater than the estimated rate of imprisonment for non-Indigenous people (which had also increased to 177.4 per 100,000 people).

3 Crime trends in WA

There is no single definitive way to measure crime. To give insight into the relative crime trends in WA over the period of interest, four alternative measures have been chosen to determine the extent to which the increase in imprisonment is a response to the relative rate of crime in WA. These measures are recent WA Police recorded crime statistics (up to the end of 2015-16), ABS police recorded crime collections to compare WA with the national trends, ABS survey estimates of victimisation, and the Productivity Commission's reoffending estimates. Each of these measures is discussed, in turn, below.

3.1 WA Police recorded crime: three most recent financial years

Given the sharp increase in imprisonment since early-2014 (displayed in Figure 1, above), the most recent three-years of police recorded crime information have been extracted from the WA Police Crime Statistics Portal (<https://www.police.wa.gov.au/Crime/Crime-Statistics-Portal/Crime-Statistics-Portal/Monthly-and-annual-crime-statistics>). The figures included in Table 2 are taken from the WA Police monthly verified crime statistics reports (Western Australian Police Service, 2014, 2015, 2016).

It is not possible to determine from this published information how many unique offenders are charged with these verified crimes. However, it is important to note some recent sharp increases that may be contributing to the remand population in WA's prisons. These include:

- A 40 per cent increase in domestic assault over the three year period, which was an absolute change of over 6,000 charges and accounted for 7 per cent of all charges verified in 2015-16;
- A 44 per cent increase in threatening behaviour (absolute increase of over 2,200 charges – 2.4% of 2015-16 verified charges);
- A 9.7 per cent increase in burglary (dwelling) (over 2,500 more charges – 9.5% of 2015-16 verified charges);
- An 18.5 per cent increase in theft (over 14,600 more charges – 31.2% of 2015-16 verified charges);
- 46.0 per cent increase in drugs (traffic) offences (over 1,300 more charges – 1.4% of 2015-16 verified charges);
- 168.4 per cent increase in drugs (possess) offences (almost 29,000 more charges, 9.6% of 2015-16 verified charges);
- 59.8 per cent increase in receiving/illegal use charges (almost 1,700 more charges, 1.5% of 2015-16 verified charges); and
- 36.8 per cent increase in breach of restraint order (almost 3,000 more charges, 3.7% of 2015-16 verified charges).

Table 2:

Annual counts for verified crime in WA: 2013-14 to 2015-16 (source: WA Police, 2014, 2015, 2016)

Offence	Financial year total			% change	Absolute # change	% 2015-16 total
	2013-14	2014-15	2015-16			
Homicide	86	88	85	-1.2%	-1	0.0%
Recent sexual assault	2,177	2,844	2,556	17.4%	379	0.9%
Historical sexual assault	1,468	1,351	1,390	-5.3%	-78	0.5%
Domestic assault	15,095	16,461	21,162	40.2%	6,067	7.0%
Non-domestic assault	11,141	11,203	12,186	9.4%	1,045	4.1%
Threatening behaviour	5,029	5,702	7,237	43.9%	2,208	2.4%
Deprivation of liberty	221	242	273	23.5%	52	0.1%
Robbery (business)	234	266	230	-1.7%	-4	0.1%
Robbery (non-business)	1,219	1,093	1,140	-6.5%	-79	0.4%
Total offences against the person	36,670	39,250	46,259	26.1%	9,589	
Burglary (dwelling)	25,971	26,158	28,489	9.7%	2,518	9.5%
Burglary (non-dwelling)	9,559	9,648	10,078	5.4%	519	3.4%
Motor vehicle theft	8,499	8,107	8,712	2.5%	213	2.9%
Theft	79,150	87,740	93,758	18.5%	14,608	31.2%
Arson	1,085	1,200	1,093	0.7%	8	0.4%
Property damage	34,109	35,378	38,766	13.7%	4,657	12.9%
Total offences against property	158,373	168,231	180,896	14.2%	22,523	
Total selected verified offences	195,043	207,481	227,155	16.5%	32,112	
Drugs (traffic)	2,844	3,425	4,152	46.0%	1,308	1.4%
Drugs (possess)	10,777	23,357	28,927	168.4%	18,150	9.6%
Receiving/illegal use	2,815	3,565	4,498	59.8%	1,683	1.5%
Total detected offences	16,346	30,347	37,577	129.9%	21,231	
Fraud	22,737	19,253	22,540	-0.9%	-197	7.5%
Graffiti	2,830	1,933	2,139	-24.4%	-691	0.7%
Breach of restraint order	8,024	8,267	10,979	36.8%	2,955	3.7%

3.2 Police recorded crime: WA and Australia

From 2007-08 the ABS have released an annual report, *Recorded Crime – Offenders (4519.0)* that has provided some national longitudinal data on the numbers and characteristics of alleged offenders that have been proceeded against by police during the financial year reference period. In absolute numbers, the following points summarise the trends for WA and Australia over this 8 year period:

- In 2007-08 there were 40,066 unique alleged offenders proceeded against in WA (ABS, 2010b). This had reduced by 17.6 per cent by 2014-15, down to 33,023 alleged offenders (ABS, 2016b).
- Over the same period at a national level the number of alleged offenders increased by 26.8 per cent, from 324,653 (ABS, 2010b) up to 411,686 (ABS, 2016b).

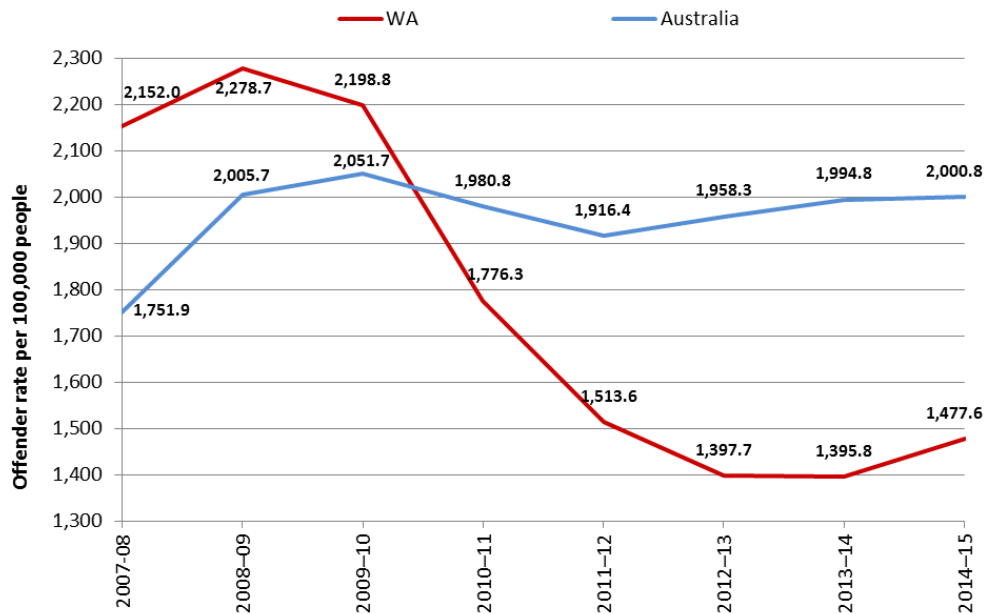


Figure 5.

Offender rates per 100,000 people, WA and Australia: 2007-08 to 2014-15 (source: ABS Australian Bureau of Statistics, 2010b, 2016b).

This decline in WA is even more marked when considered as a rate per 100,000 people (as shown in Figure 5: ABS, 2010b; 2016b). This indicates the rate of alleged offenders proceeded against by police in WA declined by 31.3 per cent over the time period: from 2,152.0 in 2007-08 to 1,477.6 in 2014-15. At the same time the national rate increased by 14.2 per cent, up to 2,008.8 in 2014-15. The most recent estimates indicate the offender rate in WA is 26.2 per cent lower than the national estimate.

Unfortunately, the figures included in the 2014-15 *Recorded Crime – Offenders* (ABS, 2016b) report that estimate the extent to which police proceed against the same person in a 12-month period exclude WA.

3.3 Victims of crime: WA and Australia

The ABS also conducts a national Crime Victimization Survey (*Crime Victimization, Australia, 4530.0*), with the current version of this tool having been run since 2008-09. Victim surveys provide insight into a subset of personal and household offence types and collect information in a manner that is broader than police recorded crime. This survey estimates victimisation for these offences for Australians aged 15 and over and focus on the 12-month period prior to being interviewed for survey data collection. These surveys provide useful context for the current report because it is possible to estimate victimisation percentages and to compare these percentages between WA and Australia across the 7-year time period. Keeping in mind that not all of these incidents are reported to police, these patterns provide another perspective on how crime has varied over time and also how WA compares to the national experience.

Table 3 shows the relative victimisation rates (as a percentage of the population) for WA and Australia between 2008-09 and 2014-15 for a range of personal and household crimes. To summarise the main trends from this table, it is worth noting two main things. First, across almost all cells of this table, the WA estimates suggest a higher rate of victimisation when compared to the national estimates. Second, the percentage point change column demonstrates that across all crime types (with the exception of sexual assault) the estimated rates have declined in 2014-15 relative to the first year in this time series. Further to this, the magnitude of change (in percentage points) is comparable in both WA and at a national level.

Table 3:

Victimisation rates for personal and household crimes, WA and Australia: 2008-09 to 2014-15 (source: ABS 2016a)

Category	Victimisation type	Area	Victimisation rate (%) financial year							% point change
			08-09	09-10	10-11	11-12	12-13	13-14	14-15	
Personal crime	Physical assault	WA	3.8	3.9	3.4	3.3	3.5	2.9	2.6	-1.2
		Aus	3.1	2.9	2.7	3.0	2.7	2.3	2.1	-1.0
	Face-to-face threatened assault	WA	4.1	3.1	3.7	4.1	3.4	4.0	3.0	-1.1
		Aus	3.9	3.1	3.1	3.3	2.8	2.7	2.6	-1.3
	Non-face-to-face threatened assault	WA	1.3	0.9	1.0	1.4	1.2	1.3	1.1	-0.2
		Aus	1.2	0.8	1.0	1.2	1.1	1.0	1.1	-0.1
	Robbery	WA	1.0	0.6	0.6	0.5	0.6	0.5	0.5	-0.5
		Aus	0.6	0.4	0.4	0.4	0.4	0.4	0.3	-0.3
	Sexual assault	WA	0.1	0.3	0.1	0.3	0.3	0.5	0.2	0.1
		Aus	0.3	0.3	0.3	0.3	0.2	0.3	0.3	0.0
Household crime	Break-in	WA	5.1	5.2	3.7	4.5	4.4	4.8	5.0	-0.1
		Aus	3.3	3.0	2.8	2.9	2.7	2.6	2.7	-0.6
	Attempted break-in	WA	4.8	3.9	3.5	3.4	3.5	3.2	3.7	-1.1
		Aus	3.1	2.4	2.2	2.3	1.9	1.9	2.0	-1.1
	Motor vehicle theft	WA	1.1	1.1	0.8	0.9	0.9	1.1	0.9	-0.2
		Aus	1.1	0.9	0.8	0.7	0.6	0.6	0.6	-0.5
	Malicious property damage	WA	14.7	12.2	10.9	10.1	9.2	9.4	9.0	-5.7
		Aus	11.1	9.1	8.5	7.5	6.3	6.0	5.7	-5.4
	Other theft	WA	5.3	4.5	3.8	3.7	3.2	3.8	3.2	-2.1
		Aus	4.4	3.5	3.3	3.3	2.8	2.7	2.9	-1.5

3.4 Reoffending: WA and Australia

The Productivity Commission's Report on Government Services (ROGS) series provides some indicators on the extent of reoffending in Australia (Productivity Commission for the Steering Committee for the Review of Government Service Provision, 2016). Box C.7

of the 2016 ROGS (Productivity Commission for the Steering Committee for the Review of Government Service Provision, 2016) provide a clear description of the data issues associated with calculating reoffending rates and interested parties should consult this report directly for these details. The purpose of discussing aspects of this data within the current report is to explore whether reoffending is one of the factors contributing to the increases in imprisonment in WA (discussed in Section 2, above).

Figure 6 shows a time series of figures presented across ROGS reports from 2012 to 2016. This data captures the percentage of offenders released during each of these financial years that is returned to prison under sentence within two years of their release. The Australian national figures show a steady increase from 38.2 per cent for offenders released in 2004-05 up to 44.3 per cent for those released in 2012-13. In contrast, WA shows a sharp drop of 8.1 percentage points between the 2008-09 and 2009-10 financial years. This decline aligns with the data presented in Figure 4, above, showing the reduction in offender rates according to the ABS *Recorded Crime – Offenders (4519.0)* series.

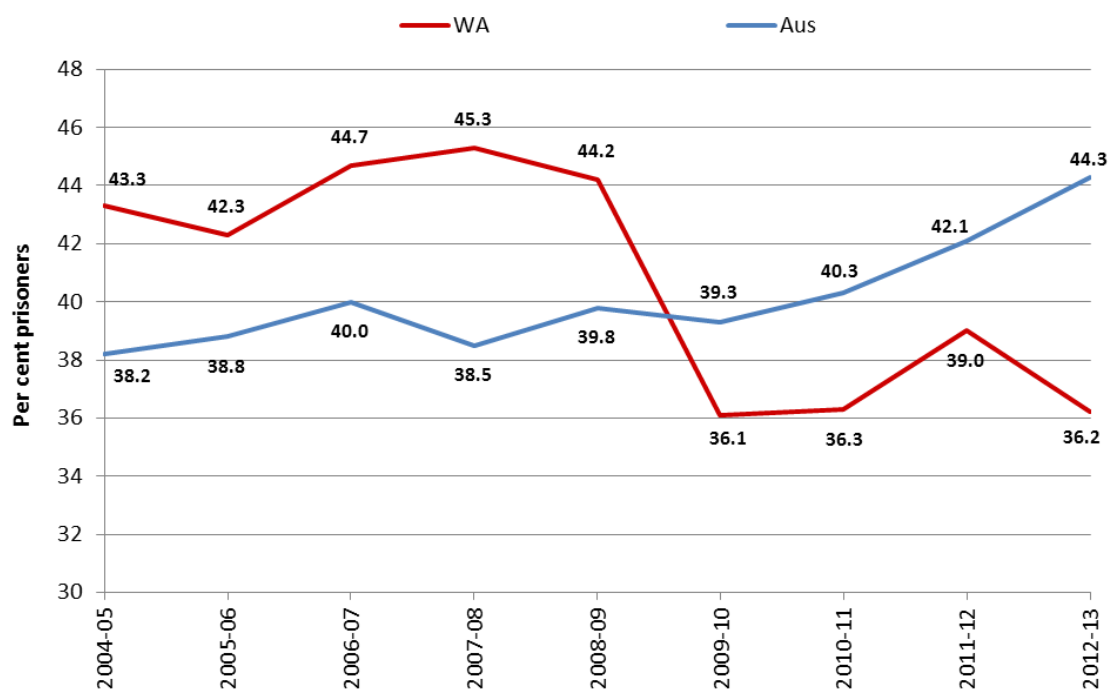


Figure 6. Prisoners released during each financial year who returned to prison under sentence within two years (per cent), WA and Australia: 2004-05 to 2012-13 (source: Table C.5 ROGS 2012, 2013, 2014, 2015, 2016).

4 Court, sentencing, and parole

This section explores the role that the courts, sentencing decisions, parole decisions, and relevant legislative changes may have played in influencing the increasing numbers of people in prison in WA.

4.1 Court finalisations: WA and Australia

4.1.1 Median finalisation times

The most recent edition of the *ABS Criminal Courts, Australia(4513.0)* report (ABS, 2015a) provided information on the time duration between initiation and finalisation in criminal courts. This data extended from 2010-11 to 2014-15 and reported the median time taken (in weeks) for Australia and WA for both higher courts and Magistrates' courts (Table 4). Looking at the higher court durations, the time taken in WA is consistently shorter than the national median throughout this time period. From 2010-11 to 2014-15, the durations to finalisation in the higher courts increased for both WA (up 8.7%) and at the national level (up 7.3%). Durations within the Magistrates' court also increased in WA and nationally over the same period of time, with a very large increase in WA between 2012-13 and 2013-14, which brought the WA times much closer to the national median durations. This increase in time taken to finalise cases in the Magistrates' court may partially explain the increase in the number of offenders detained on remand since early-2014 (see Figure 1 and Figure 2, above).

Table 4:

Duration from initiation to finalisation (median weeks), WA and Australia: 2010-11 to 2014-15

Court level	Location	Duration from initiation to finalisation (median weeks)					Change (%)
		2010-11	2011-12	2012-13	2013-14	2014-15	
Higher courts	Australia	28.9	29.4	28.9	29.6	31.0	7.3%
	WA	20.6	22.3	20.4	21.0	22.4	8.7%
Magistrates' court	Australia	5.0	5.3	5.1	5.9	6.0	20.0%
	WA	0.1	0.1	0.1	5.0	5.4	5300.0%

Source: ABS Criminal Courts, Australia report (ABS, 2015a).

4.1.2 Numbers of cases being finalised in higher and Magistrates' courts

Table 5 shows the total number of cases being finalised in adult criminal courts (WA and Australia) from 2005-06 to 2014-15 (ABS 2013a, 2015a). The main findings from this analysis include:

- The total number of cases finalised in the WA higher courts declined by 15.0 per cent over this time period. At the same time the total number of cases finalised in higher courts across Australia declined by 6.9 per cent.

- The number of cases finalised in the WA Magistrates' courts in 2014-15 was 15.8 per cent higher than the number finalised in 2005-06. This number had been substantially higher still during the middle of this time period.
- Nationally, the total number of cases finalised in the Magistrates' court declined by 4.2 percent over this time period.

Table 5:

Higher court and Magistrates' court finalisations, WA and Australia: 2005-06 to 2014-15

Year	Total number of cases finalised			
	Higher Courts		Magistrates' court	
	WA	Australia	WA	Australia
2005-06	2,510	16,356	69,652	569,163
2006-07	2,582	16,287	79,122	583,453
2007-08	2,667	16,735	95,660	619,542
2008-09	2,877	17,207	107,081	635,926
2009-10	2,536	16,834	101,838	603,604
2010-11	2,294	16,328	87,940	533,873
2011-12	2,039	15,492	78,331	523,425
2012-13	2,257	15,100	75,063	514,905
2013-14	2,048	14,941	74,436	534,607
2014-15	2,134	15,222	80,683	545,096

These trends for WA displayed in Table 5 are interesting given the reduction in crime and numbers of offenders being proceeded against by police (discussed in Section 3). One explanation for this could be that the fewer offenders who are being proceeded against are appearing relatively more often in the Magistrates' courts than in previous years. This is speculation and would warrant additional research to uncover more.

4.1.3 Cases proven guilty

Table 6 shows the relative percentage of higher court and Magistrates' court cases where the defendant was proven guilty for WA and Australia between 2005-06 and 2014-15 (ABS 2013a, 2015a). The main trends from this time series include:

- Relatively little change in the percentage of cases proven guilty for the Magistrates' court (WA or nationally) or for the national higher courts cases.
- Generally greater percentage of cases proven guilty in the WA Magistrates' court relative to the national percentage (6.3 percentage points higher in 2014-15).
- A large (9.2 percentage point) increase in cases proven guilty in the WA higher courts.

Table 6.

Proven guilty (%) for higher court and Magistrates' court finalisations, WA and Australia: 2005-06 to 2014-15 (source: ABS 2013a, 2015a).

Year	% of court finalisations proven guilty			
	Higher Courts		Magistrates' court	
	WA	Australia	WA	Australia
2005-06	73.7	79.1	93.0	85.7
2006-07	70.3	79.1	92.6	86.3
2007-08	74.3	78.9	92.9	87.4
2008-09	75.6	78.6	92.8	86.9
2009-10	77.1	78.4	91.9	87.0
2010-11	77.7	78.3	92.2	87.3
2011-12	79.5	78.6	94.0	86.3
2012-13	81.3	78.4	94.2	87.6
2013-14	82.1	80.1	93.0	88.0
2014-15	82.9	80.3	93.9	87.6

4.1.4 Cases where custodial sentences are imposed

Table 7 shows the percentage of cases that a custodial order was imposed on guilty offenders in WA and national higher and Magistrates' courts between 2005-06 and 2014-15 (ABS 2013a, 2015a). Unsurprisingly the custodial order percentages for higher court cases were much larger than the Magistrates' court cases. The higher court trends for WA and Australia show an increase in the likelihood of a custodial order being imposed across the time period (4.7 and 5.3 percentage points, respectively). Nationally, there was a 1.0 percentage point increase in custodial orders imposed by the Magistrates' court. In comparison, there was a 0.8 percentage point reduction in custodial orders imposed by the WA Magistrates' court over the same period of time. Interestingly, custodial orders were less frequently imposed in WA Magistrates' court finalisations throughout the whole time series.

Table 7.

Custodial orders imposed (% cases proven guilty) for higher court and Magistrates' court finalisations, WA and Australia: 2005-06 to 2014-15 (source: ABS 2013a, 2015a).

Year	Custodial orders imposed (% cases proven guilty)			
	Higher Courts		Magistrates' court	
	WA	Australia	WA	Australia
2005-06	88.2	82.1	6.3	8.6
2006-07	76.7	81.6	5.4	8.5
2007-08	78.1	83.4	5.0	8.4
2008-09	80.7	84.6	5.2	8.6
2009-10	81.2	84.8	4.9	8.8
2010-11	83.7	85.8	4.6	9.0
2011-12	82.9	88.3	5.5	9.1
2012-13	89.1	88.4	5.7	9.3
2013-14	91.6	88.8	5.7	9.6
2014-15	92.9	87.4	5.5	9.6

To combine the information across Tables 5 to 7, it is important to note that the absolute difference in the number of WA cases where a custodial order was imposed between 2005-06 and 2014-15 was only 73 (12 for the higher courts and 61 for the Magistrates' courts). This suggests other factors must be causing the large increase in the number of sentenced offenders currently in prison in WA (as displayed in Figure 1).

4.2 Imprisonment durations: WA and Australia

Table 8 shows the median times (months) that prisoners were detained on remand and the median sentence length (months) for convicted offenders for WA and Australia.

Looking first at the remand durations, it can be seen that for available data the median duration in WA was always shorter than the national figures. It will be interesting to see if this trend continues into 2016, however, based on the patterns displayed in Figure 1, above. Next, looking at the median sentence lengths imposed on convicted offenders, it can be also be seen that the durations in WA were always below or equal to the national medians. Consequently, this suggests that remand duration and sentence length are not causing the large increase in the number of sentenced offenders currently in WA prisons.

Table 8:

Median time on remand and aggregate sentence length for sentence prisoners, WA and Australia: 2005 to 2015

Year	Median time on remand (months)		Median sentence length (months)	
	WA	Australia	WA	Australia
2005	1.7	2.8	32.0	36.0
2006	na	2.6	36.0	36.0
2007	na	2.7	32.4	36.0
2008	na	2.7	33.6	36.0
2009	1.7	2.9	30.0	36.0
2010	2.2	3.1	31.2	36.0
2011	1.9	2.8	33.6	38.4
2012	2.2	2.7	30.0	38.4
2013	2.4	2.8	30.0	36.0
2014	2.3	3.0	28.8	36.0
2015	2.5	2.7	30.0	36.0

Source: the following editions of the Prisoners in Australia (4517.0) annual report from the ABS (2005, 2006, 2007, 2008, 2009, 2010a, 2011, 2012, 2013b, 2014, 2015b).

4.3 Parole decisions in WA

Figure 4 summarises the data presented in the Annual Reports for the WA Prisoner Review Board (Government of Western Australia, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015). This figure has two y-axis, with the number of eligible prisoners shown in relation to the right-hand y-axis and the percentages shown in relation to the left-hand y-axis. Figure 7 demonstrates there was an increase of 25.6 per cent in the number of prisoners eligible for parole between 2006-07 and 2014-15 (solid black line). Over the

same period it can be seen that there was a 44.0 percentage point reduction in the percentage of eligible prisoners who were released on early release orders and a 37.9 percentage point increase in denial of application for early release. These changes occurred between 2007-08 and 2009-10 after which the relative percentages have remained fairly constant. Without knowing why this change occurred, it is interesting to note that if the 2006-07 rate of granting early release (78.0%) applied in 2014-15, this would have resulted in an additional 1,373 prisoners being released on early release orders. Looking back at the trend line in Figure 1, it seems that there is a link between the timing of the changes in the Prisoner Review Board responses to applications for early release and the first large increase in imprisonment numbers (between 2008 and 2010). It is also worth noting that the Prisoner Review Board annual reports indicated a 12.0 per cent increase in the number of parole orders successfully completed in 2014-15 (relative to 2006-07) and an 18.9 per cent reduction in cancelled and suspended parole orders over the same time.

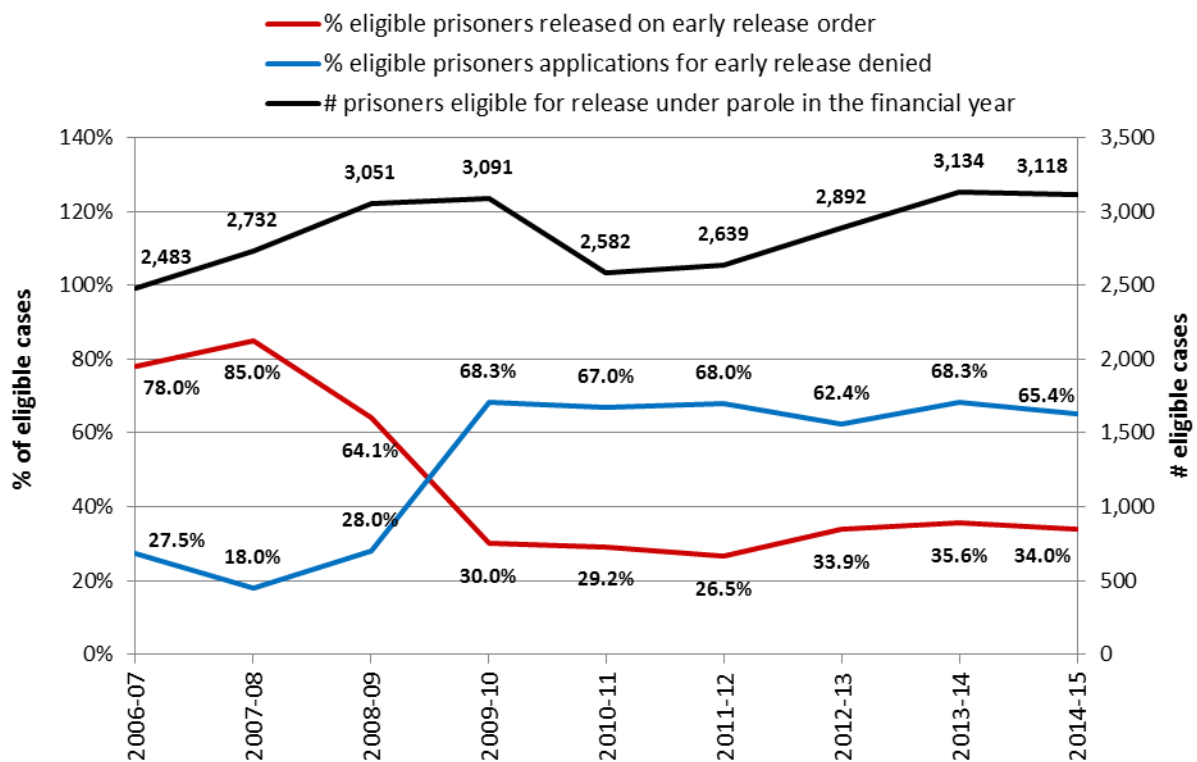


Figure 7.

WA Prisoner Review Board data on eligible cases for parole (second y-axis), eligible prisoners released (%), and eligible prisoners denied release (%): 2006-07 to 2014-15 (source: Government of Western Australia, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015).

5 Other important things to consider: known unknowns

This section briefly outlines some other important issues that are likely having an influence on the imprisonment numbers, but about which there is no data available – the ‘known unknowns’ of the current situation. These include the absence of data on mental health issues for prisoners in WA, the significance of proactive police work and changing attitudes towards domestic violence, and the extent to which alleged offenders can get access to government-funded legal representation.

5.1 Absence of data on mental health issues

Prisoners have a high prevalence of self-reported mental health issues. The 2015 AIHW report on the Health of Australia’s Prisons found 49 per cent of prison entrants have been told by a doctor, psychiatrist, psychologist or nurse that they have a mental health disorder. This includes drug and alcohol abuse. Over one-quarter (27%) are taking medication for a mental health disorder. This information is obtained by prison health services, over a two-week period using a paper-based data collection form completed during routine health assessments and service provision.

Without this data being collected, we would have no way to determine the extent of mental health conditions in WA prisons. Data is not routinely collected or stored in a way that can be used to determine the number of people with mental health conditions or the type of illnesses experienced by these people. Information on individuals is held in the Department’s Medical Records system (ECHO) when they receive treatment, however, this is not in a searchable format where any broad analysis can be undertaken. No information is linked to the Department’s offender management database. Opportunities are lost in determining the prevalence of mental health conditions, trends, the ability for the Department to forecast ongoing needs and resources, and the ability to predict training needs for staff.

5.2 The significance of proactive police work for drug-offences and historical reporting of domestic violence

Based on the data presented, above, it seems that there is an increased processing of a smaller group of offenders. From 2013-14 to 2015-16 there was sharp increases in the numbers of certain verified offences in WA. In broad terms, these are consistent with domestic violence-related issues (domestic assault, threatening behaviour, and breach of restraint order) and drugs-related activity (trafficking, possession, receiving, and probably some of the theft). For different reasons, it may be the case that these offences are not captured by victimisation surveys that focus on the last 12-months of a victim’s life. The connection between these trends and the increases in the number of offenders being remanded in custody is unknown. Given the durations for processing cases in the

Magistrates' courts have been increasing, this may contribute to an explanation of the increase in the remand population in the last 18 months.

5.3 Access to legal representation and the success of bail applications

It is also unknown if there is any link between access to Legal Aid and a reduction in bail being granted. It may be the case that there have been systematic funding changes that have limited capacity for government funded legal representation, which in turn has resulted in more offenders being remanded to detention to wait for their court dates. As the available data doesn't indicate major changes in the number of sentenced offenders who have a term of imprisonment imposed on them, it may be the case that this group of offenders are having non-custodial sentences imposed when they are processed by the courts.

6 Discussion

To summarise the main findings from this report, it is worth considering the high-level trends from each of the sections, above.

Imprisonment:

- Increase of over 75 per cent in absolute numbers over the 11 year period from mid-2006.
- Increase of almost 200 per cent in the absolute numbers of prisoners detained on remand.
- 22 per cent increase in the likelihood that a prisoner had a maximum security classification from mid-2007, with a sharp increase in this classification since early-2014.
- Overall reduced likelihood that prisoners have received minimum or medium security classifications since mid-2015.
- 54 per cent increase in the likelihood that a prisoner is detained on remand from mid-2007, with a sharp increase in this sentencing status since early-2014. This rate remains below the national average but the gap is closing.
- Compared to national figures, the WA prison population is increasing at a faster rate.
- Relative to the national figures, WA has consistently had higher rates of imprisonment for males and females since 2005, with males comprising around 90.5 per cent of the prison population over this time.
- Since 2005, the WA rate of male imprisonment has remained about 37 per cent above the national rate, while the rate of female imprisonment in WA has increased relative to the national figures.
- From mid-2006 the absolute number of Aboriginal people in prison in WA has increased by over 43 per cent. Over this time the relative rate of imprisonment of Aboriginal people in WA has increased to over 3,621 per 100,000 Aboriginal people. This is over 20 times greater than the rate of imprisonment for non-Aboriginal people in WA.

Offending:

- From 2013-14 to 2015-16 there was sharp increases in the numbers of certain verified offences in WA. In broad terms, these are consistent with domestic violence-related issues (domestic assault, threatening behaviour, and breach of restraint order) and drugs-related activity (trafficking, possession, receiving, and probably some of the theft).
- From 2007-08 the absolute number of offenders the WA Police proceeded against declined by almost 18 per cent. As a rate per 100,000 people this constituted a 31 per cent reduction. This rate is over 25 per cent below the national estimates.

- Victim surveys estimate a generally higher rate of victimisation in WA (compared to the national average). This rate has been declining over the last 7 years in a manner that is consistent with the general decline in victimisation across Australia.
- Reoffending, as measured by a return to prison within two years of release, declined sharply in WA between 2008-09 and 2009-10. The reason for this is unclear, but aligns in time with the reduction in offenders proceeded against by WA Police.

Sentencing and Parole

- The sharp increase in the time taken to finalise cases in the Magistrates' court (2013-14) could partially explain the increase number of offenders detained on remand from early-2014.
- The number of cases being finalised in the higher courts (WA and nationally) has declined since 2005-06.
- The number of cases finalised in the WA Magistrates' court has increased by almost 16 per cent since 2005-06, which contrasts the decline in the national Magistrates' courts and is interesting given the reductions in offending in WA.
- Accounting for the changes in the percentage of court finalisations that resulted in a custodial order being imposed, there was an overall net increase of 73 WA cases that had this outcome between 2005-06 and 2014-15. This suggests other factors must be causing the large increase in the number of sentenced offenders currently in prison in WA.
- Available information relating to time served while on remand does not indicate major changes in WA that could be causing the increase in this population in WA prisons. However, the national collections only report to 2015, so it is possible a different pattern will appear in the next edition of the Prisoners in Australia (4517.0) ABS report.
- Big changes in applications for early release for eligible prisoners occurred between 2008 and 2010. This seems to coincide with the initial increase in prisoner numbers from 2008 onwards. If the 2006-07 approval rates had been replicated in 2014-15 this would have resulted in an additional 1,373 prisoners being released on early release orders.

Known unknowns:

- There is no information on factors that are likely influencing imprisonment numbers. These include (but are not restricted to) mental health issues for offenders, pro-active police work on drug enforcement, historical reporting of domestic violence, access to government funded legal support, and trends relating to bail outcomes.

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