

14. Justice

STRATEGIC OBJECTIVE **Adopt a more integrated approach to strategic asset planning, asset management and service delivery across the Justice Cluster**

SNAPSHOT

- The justice system is highly interdependent. Policy and investment decisions in individual justice agencies have impacts on other agencies upstream or downstream. Recent investment in policing has not been accompanied by corresponding investments in courts and corrective services, which has resulted in case backlogs and prison capacity pressures.
- Emergency management agencies are experiencing funding pressures driven by the need to manage and maintain their substantial fleet and property portfolios while continuing to grow to meet community needs.
- Asset conditions and management processes vary across the Justice Cluster. In many instances, assets across the cluster are ageing and poorly located.
- There is scope to improve and better integrate long-term asset planning and management across the Justice Cluster. Technology has the potential to drive efficiencies by reducing reliance on a physical 'on the ground' presence, streamlining information flows and enabling better long-term planning.

RESPONSE

Summary of key recommendations

Adopt a more integrated approach to strategic asset planning, performance and management

- Complete a review of asset management across the Justice Cluster by mid-2018.
- Drawing on the asset management review, develop a 20-year Justice Infrastructure Strategy by the first quarter of 2019.

Invest in court and prison capacity to meet demand

- Prepare business cases by the end of 2018 to address court capacity in the Sydney CBD, South West Sydney and key locations in Regional NSW.
- Prepare a business case and undertake site investigations and related community consultation by the end of 2018 to address the requirement for additional long-term prison bed capacity in Greater Sydney.

14.1 Recent progress

The Justice Cluster was not addressed in detail in either the *State Infrastructure Strategy 2012* or the *State Infrastructure Strategy Update 2014*. This was due to the expectation that existing infrastructure would be sufficient to meet demand. However, since 2014, the Cluster has been facing growing infrastructure challenges. This has led to its inclusion in the 2018 SIS.

Several key investments and initiatives have been progressed across the Cluster since 2014, including:

- technology improvements for police – including providing the NSW Police Force with advanced technology to fight crime and enhance officer mobility through the \$100 million Policing for Tomorrow Technology Fund, and modernising and upgrading the Computerised Operational Policing System (COPS)
- technology improvements for courts – including expanding Justice Audio Visual Link (AVL) capabilities across the justice sector and commencing the development of a business case for modernising courts through business process redesign, enabled by technology
- new and upgraded court facilities – including redevelopment of the Children’s Court in Surry Hills, building a new Forensic Pathology and Coroners Court at Lidcombe, and major upgrades of the Wollongong and Wagga Wagga courthouses

- criminal justice reform – a \$570 million program of reform measures to reduce demand on the justice system and rates of reoffending
- increasing prison bed capacity – a \$3.1 billion program of prison bed capacity projects across NSW, including \$700 million for the New Grafton Correctional Centre, to address short- and medium-term prison population growth
- the establishment of Justice Infrastructure NSW – a specialist planning and delivery group within the Department of Justice. Justice Infrastructure NSW will lead an integrated approach to planning, investment prioritisation, delivery and asset management across the Cluster
- development of the *Corrective Services Infrastructure Strategy 2017-37* – a 20-year, outcomes-focused infrastructure strategy to guide investment in corrective services assets.

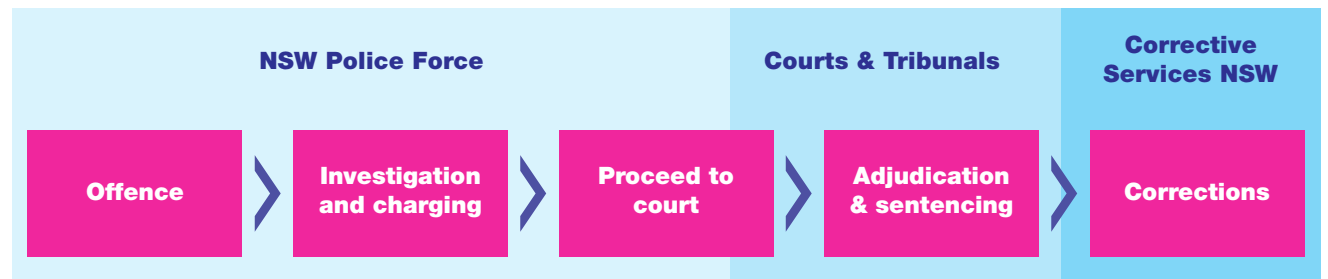
14.2 Challenges and opportunities

Managing interdependencies across the justice system and government

The justice system is highly interdependent. Policy and investment decisions in individual justice agencies have impacts on other agencies upstream or downstream. Investing in technology that enables better policing is likely to increase the number of cases flowing through courts and the number of prisoners in custody. To function efficiently, a high level of coordination across each part of the system is needed. The relationships between different parts of the criminal justice system are illustrated in Figure 61.

A range of broader government social services also affects demands placed on the justice system, including housing, mental health support, education and family and community services. A person should

Figure 61 – Criminal justice system flow diagram



Source: NSW Department of Justice, adapted by Infrastructure NSW, 2017

be supported by these services before and after leaving the justice system to reduce the risk of re-offending and reduce pressures on courts and prisons.

Co-locating Justice Cluster services

There are opportunities for better coordination across the justice system, which may include the co-location of:

- criminal justice facilities to reduce transport requirements, improve interagency processes and improve asset utilisation
- emergency services, police and ambulance services to enable more efficient emergency management
- emergency services facilities, especially for back office functions, to improve efficiency and coordination.

Managing the imbalance across the justice system

Demand in the criminal justice system has grown significantly since 2012. This growth has occurred while crime rates have generally been stable or falling, and is mainly driven by more productive police operations. Legal proceedings initiated per officer has grown by around five per cent per year.

In 2015-16, the Justice Cluster identified that significantly more people were being brought into the justice system than courts and corrective services could manage. This caused a large and growing case backlog in the District Court and a rapid increase in the prison population. Growth in case backlog has been limited since mid-2015 but remains at double its historic level. The prison population growth has also slowed in the last year, but remains high and growing.

The Department of Justice established the Criminal Justice Transformation Board in 2015 to take a 'whole-of-system' view on operational decision-making. An information and analysis function, including a criminal justice impact assessment process, has also been developed to forecast the impact of policy decisions on the system.

Infrastructure demand is also influenced by:

- **government policy** – for example, increasing prisoner rehabilitation programs requires supporting infrastructure
- **operational practices** – for example, operating from transport hubs and multi-agency justice precincts creates prisoner transport efficiencies.

Demand management measures are critical to the sustainability of the justice system. In addition to investing in new and expanded infrastructure to relieve pressure on the system, a range of policy and legislative initiatives are being progressed, including:

- encouraging early guilty pleas
- new sentencing laws aimed at holding offenders to account and reducing reoffending
- new laws to enable smarter management of parolees
- developing a range of initiatives that target persistent and repeat offenders
- allowing certain driving disqualifications to be lifted early, subject to a minimum offence-free period
- allowing some strictly indictable offences to be heard by the Local Court rather than the District Court.

Integrating asset planning, investment and management

Infrastructure requirements in the justice system mainly relate to the criminal system. Most civil matters are resolved outside court and those that proceed to adjudication mostly appear in the Supreme Court, NSW Civil and Administrative Tribunal and certain District Courts.

The approach to strategic asset planning, investment and management varies across the Justice Cluster. While Corrective Services NSW has recently adopted a 20-year infrastructure strategy, the NSW Police Force uses a shorter planning horizon and courts and tribunals have no long-term strategy in place.

To plan with confidence, the Justice Cluster will need to better integrate asset planning, investment and management across the sector. This will require a complete understanding of current asset capacity and conditions across the Cluster, critical system pressure points and the potential solutions offered by digital technology.

Optimising investment in technology

The justice sector would benefit from a greater take-up of technologies that improve its efficiency and reduce its reliance on the physical presence of personnel for activities that could be performed over digital channels. For example, the rollout of Justice AVL capabilities enables court proceedings to occur via video and has resulted in significant efficiencies across the criminal justice system. Implementation of online filing, registry and forms has also improved the civil system.

There are opportunities to deliver more civil justice services over digital platforms that enable partial or full self-service, and reduce the current high reliance on physical documentation across the court system.

Further investment in cross-agency ICT systems is needed to streamline information flows and deliver system-wide benefits. There is also significant potential to make better use of data, including police crime statistics, within the sector to improve investment planning.

14.2.1 NSW Police Force

As the frontline for the justice system, police must respond flexibly to service demand pressures and work jointly with other frontline government service delivery agencies. Police are increasingly involved in the management of social issues before they transition to other social service agencies. They must also manage the flow-on impacts of new or amended legislation on NSW Police Force resources, such as amendments to the NSW Bail Act 2013.

NSW Police Force



More than 20,600 employees, including approximately 16,700 police officers and over 4,000 civilian staff



76 local area commands operate from 432 police stations delivering policing services to communities, while specialist commands also cover land, sea and air operations

Source: NSW Department of Justice 2017

Ageing assets

Most of the NSW Police Force’s significant portfolio of police stations is old and requires ongoing maintenance and capital investment to ensure it remains fit-for-purpose. Many regional police stations are co-located with heritage-listed courthouses, which can add to maintenance costs.

The NSW Police Force is restructuring to ensure it can meet changing community needs and crime trends. It is considering how police assets, including properties and their location, can support changes to police operations.

A Property Portfolio Delivery Plan has also been developed to inform property investment and maintenance requirements over a five-to-ten-year period.

Asset planning and management processes within the NSW Police Force are reasonably advanced. But investments have been made largely in isolation from the broader justice system and have not been accompanied by corresponding investments in courts and corrective services.

Improving policing with technology

Technological advancements are already leading to more efficient policing; for instance, through Body-Worn Video that collects evidence and uses 3D mapping and printing to create technically accurate models and reconstructions of crime scenes and evidence.

There are significant opportunities to further leverage these advancements and improve the use of police ICT systems. The NSW Police Force ICT landscape is complex and diverse, with approximately 300 different

applications ranging from corporate systems to specialised technologies used in the field. Police have recently commenced a major upgrade of the COPS.

Looking ahead, there will be further opportunities to change how police stations function; for example, by enabling certain administrative and procedural functions to be completed online. The adoption of technology that reduces a physical police presence will need to be carefully managed to ensure communities continue to feel safe.

14.2.2 Courts and Tribunals

As the central entities providing criminal, civil and tribunal functions across NSW, court and tribunal systems need to operate efficiently to support fast, fair and accessible justice.

Demand for court services is driven by a complex interaction of factors including policing priorities and rates of re-offending. Courts are also impacted by the changing nature of civil matters, which are influenced by economic conditions and the increasing use of alternative dispute resolution processes. The Civil Justice Strategy is being developed to improve access to justice and make it easier for people and businesses to resolve disputes in NSW.²⁷⁶

There are growing trial backlogs and substantial delays in finalising District Court criminal cases in NSW. These have been driven largely by:

- increases in the number of people being charged with indictable offences

276 Currently under development as at February 2018

- increases in the number and proportion of matters proceeding to trial
- growing caseloads for serious crimes, which often involve lengthy and complex trials
- avoidable late guilty pleas.

These pressures are exacerbated by complex court administration, a lack of courts in key locations and a shortage of capacity in existing metropolitan courts. In the 2015-16 financial year, the number of District Court cases older than 12 months increased by 20 per cent.²⁷⁷

Aligning court locations with demand

NSW courts and tribunals operate from 176 locations across NSW. Generally, NSW courts and tribunals infrastructure was built before 1930 in locations that reflect historical settlement patterns. As with corrective services, the location of the infrastructure network is not aligned to current service needs. In 2013-14, just 40 per cent of courthouses dealt with 90 per cent of the court caseload in NSW.

Some regional courts remain underutilised and court sittings in some regional areas could be consolidated, enabling these assets to be repurposed or recycled. Moreover, some ageing assets are unable to appropriately and effectively serve their purpose.

Planned physical infrastructure investment over the next five years will provide additional capacity in key strategic locations, including the Sydney CBD, Parramatta, south-west Sydney and regional growth areas like the Far North Coast. The development of a long-term asset investment strategy would help to guide future investment decisions.

²⁷⁷ Department of Justice 2017

Improving courts with technology

The OECD has found that justice systems devoting a larger share of their budget to information technology achieve shorter average trial lengths, as well as higher productivity from judges (measured as number of cases per judge).²⁷⁸ Despite these potential benefits, there has been limited investment in technology for NSW courts in recent years, aside from the rollout of Justice AVL to enable court proceedings to occur via video.

A review of courts and tribunals services is underway, which includes examining the use of digital technology across the courts to improve access and efficiency. This may lead to moving more court processes to digital channels. Subject to funding, the new service delivery model will begin in 2018-19.

14.2.3 Corrective Services

The key objectives of Corrective Services NSW are to prevent and reduce reoffending, and to improve community safety and public confidence in the justice system. Demand for prison beds is directly impacted by the efficiency of police and courts, while a lack of prison bed capacity can have impacts on police and courts; for instance, by requiring stays in police or court cells.

In NSW, the key infrastructure challenge for corrective services is managing high growth and record total volumes in the prison population, which have created capacity constraints in the short to medium term (0-5 years). This growth in the prisoner population is the result of:

²⁷⁸ OECD 2013, p. 5

- increased volumes flowing through the justice system
- fewer people being granted bail
- longer remand periods due to court delays
- increased targeting by police of bail and parole breaches.

Growth in the prison population has led to a shortage of appropriate beds in the right locations, leaving the system inadequately equipped to respond to surges in the population. This results in higher transportation costs and unsettles inmates who must be transported between different facilities.

Investing to provide long-term capacity

Many of the State's correctional facilities are ageing and need to be upgraded to support the growing prisoner population and meet contemporary service standards. Of the State's 35 correctional centres, eight are more than 100 years old and four are more than 50 years old, making refurbishment or repurposing to meet contemporary service standards difficult.

Significant investment has recently been made in the New Grafton Correctional Centre and the Prison Bed Capacity Program to deal with short- and medium-term growth. This combined investment of \$3.1 billion is delivering approximately 6,000 additional beds at various sites across NSW.

However, further substantial investment will be needed to accommodate long-term growth in the prison population, particularly in metropolitan locations, and provide fit-for-purpose beds that are suitable for the prisoner cohort and appropriately located. As more

fit-for-purpose beds are added to the system, obsolete beds and facilities can be decommissioned.

Using technology to improve efficiency

Many of the State's older correctional facilities have design or heritage constraints that limit their capacity to adopt new technology. Recent projects, like the new rapid build prisons at Wellington and Cessnock, are incorporating more technology, such as 360-degree cameras and new security systems that enhance the visibility of prisoner movements.

In addition to investing in electronic security equipment to maintain minimum-security industry standards across the prison network, there are opportunities to use technology to improve the efficiency of back office systems and data analysis.

Improving asset management

The *Corrective Services Infrastructure Strategy 2017-37* (CSIS) provides an outcomes-focused strategic framework for prison infrastructure planning and investment in NSW over the next 20 years. This strategy will guide Corrective Services NSW as it develops more sustainable and better value correctional facilities that are configured to better support operational requirements. This includes adopting a 'hub and spoke' model to achieve more efficient and sustainable asset utilisation, basing services around larger custodial operations in the northern, southern and metropolitan regions.

Management models for prison operations, including asset management, vary across the prison system, with a mix of internal and external providers. Substantial work went into defining clear operational outcomes

for the New Grafton Correctional Centre, and these operational outcomes have since been adopted by the John Morony Correctional Centre (south of Windsor) and Parklea Correctional Centre. Building on this work, there is an opportunity to rollout more contemporary, outcomes-focused approaches to prison operations, including through private sector operators where they can provide better value for money.

Corrective Services NSW is currently undertaking a benchmarking program across all publicly operated correctional centres. The program aims to improve the efficiency and effectiveness of NSW's publicly-operated correctional centres while maintaining safety and security. It will provide a baseline for comparing the performance of public and private operations. Future decisions on partnering with the private sector can then be considered on a case-by-case basis, taking into account value for money, risk, service delivery and community safety.

14.2.4 Juvenile Justice

Juvenile Justice NSW provides services to young people who are in contact with the criminal justice system – from diversion and early intervention through to incarceration, supervision and rehabilitation. Juvenile Justice NSW's custodial operations are impacted by:

- youth crime rates
- the rates of apprehension of suspected offenders by police
- the timeliness of access to and decisions of the judiciary

- the efficacy and availability of diversionary programs such as Youth on Track and Bail Assistance.

While the number of young people in custody has declined in recent years, Juvenile Justice NSW has had to manage an increasingly complex cohort of young people. These young people have often experienced abuse and neglect, substance addiction, disability and mental health issues. Contemporary infrastructure design, custodial standards and asset management strategies are required to effectively manage this complex cohort.

Targeted investment in ICT services across Juvenile Justice NSW would deliver substantial improvements and efficiencies in record management, the collection of data and the delivery of services.

14.2.5 Fire and Rescue NSW

Fire and Rescue NSW is responsible for fire, rescue and hazardous material services in cities and towns across NSW. Fire and Rescue NSW responds to around 125,000 emergencies per year: an average of 340 per day or roughly one call every four minutes. In addition to responding to emergencies, Fire and Rescue NSW focuses on preventing fires and building resilience among the households most at risk from home fires.

The average age of the Fire and Rescue NSW property asset portfolio is 50 years, with several properties over 100 years old. Over a quarter of all fire stations are heritage-listed. Many stations are not located

appropriately to service population growth and do not include facilities for female firefighters.

Fire and Rescue NSW has a fleet of approximately 700 fire engines and 250 smaller vehicles plus trailers. The average age of the fleet is around 10 years and 22 per cent of the fleet is older than the industry standard of 15 years. Capital budgets in recent years have been redirected to investment in new and upgraded properties.

14.2.6 NSW Rural Fire Service

The NSW Rural Fire Service is the largest volunteer fire service in the world. The agency's principal responsibility is to provide fire protection to communities, coordinate bush firefighting operations and respond to a wide range of emergency incidents across rural NSW. The NSW Rural Fire Service also has a critical role to play in bushfire mitigation and hazard reduction activities.

Infrastructure funding for the sector is delivered through the Rural Fire Fighting Fund (RFFF), which comprises contributions from the insurance industry (73.7 per cent), local government (11.7 per cent) and the NSW Government (14.6 per cent), with allocations determined by the Minister for Emergency Services through a collaborative 'bids and estimates' process. Assets meeting certain criteria are vested in local councils to operate and maintain.

Some existing stations are not suitable to accommodate high-value and essential fire-fighting assets and do not include facilities for female firefighters. Several brigades do not have a station at all.

With around 4,000 fire engines and a support fleet of around 3,000 other vehicles, the NSW Rural Fire Service's annual expenditure on replacements, upgrades, maintenance and repairs is significant. The NSW Rural Fire Service aims for a maximum 25-year life for each firefighting appliance, with strategies in place to achieve this in the coming years. The current average age of the service's fire engines is around 14 years.

14.2.7 NSW State Emergency Service

The NSW State Emergency Service (NSW SES) is the lead agency responsible for responding to floods, storms and tsunamis in NSW. The NSW SES has core roles in relation to community preparedness, prevention, response and recovery in relation to these hazards.

The ownership of NSW's emergency fleet of over 630 vehicles, 370 boats and 900 trailers has now transitioned from local government to the NSW SES. Over 16 per cent of the fleet exceeds maximum age KPIs and is in urgent need of replacement.

NSW SES is dependent upon local councils to provide and maintain the facilities it needs to undertake its statutory roles. Many of these facilities are aged and require significant maintenance.

NSW emergency services



Fire and Rescue NSW

7,131

full time and retained staff and

6,318

volunteers located across

337

fire stations in NSW



NSW Rural Fire Service

73,162

volunteer rural fire fighters attached to

2,029

brigades throughout the State



NSW State Emergency Services

8,658

volunteers and

245

units

Source: NSW Department of Justice 2017

14.3 Response

14.3.1 A long-term infrastructure strategy for the sector

The Department of Justice recently commenced a condition assessment of the asset portfolios of Corrective Services NSW, Juvenile Justice NSW and NSW Courts and Tribunals to provide an understanding of the maintenance backlog and recommendations for lifecycle cost planning. Work has also commenced across the Justice Cluster to gain a better understanding of the system's pressure points and opportunities for whole-of-system optimisation and service co-location benefits.

Infrastructure NSW considers that these initiatives should form part of a wider review of integrated asset planning, investment and management across the entire justice and emergency management sector. The review should incorporate and build on work already underway by the Department of Justice and other whole-of-government asset initiatives, including Property NSW. It should provide a baseline for, and inform the development of, a 20-year Justice Infrastructure Strategy to guide future infrastructure planning and investment.

Key considerations for the review of integrated asset management and the subsequent development of the Justice Infrastructure Strategy should include:

- providing a long-term, evidence-based investment strategy
- identifying opportunities for technology-enabled, service delivery efficiencies, particularly in courts and corrective services

- investigating opportunities for integrated back office systems
- identifying opportunities for smarter investment, management and divestment of property assets
- using 'big data' analysis to inform strategic planning and demand management
- benchmarking service delivery and identifying alternative service delivery models, where appropriate
- ensuring governance and investment processes result in more integrated asset investment
- ensuring ongoing asset condition assessments and investment decisions consider risk and resilience assessments.

Recommendation 112

Infrastructure NSW recommends that the Department of Justice undertake a review of asset management across the Justice Cluster. The review should be completed by mid-2018 and include:

- a baseline asset condition and capacity assessment
- a detailed review of the role of digital technology in asset management and service delivery
- an end-to-end assessment of system pressure points
- identification of opportunities for co-located services.

Recommendation 113

Infrastructure NSW recommends that the Department of Justice prepare a long-term 20-year Justice Infrastructure Strategy. The Strategy, to be informed by the asset management review, should be completed by the first quarter of 2019.

14.3.2 Continue planning to meet capacity constraints

Infrastructure NSW and the Department of Justice have agreed on investment principles to guide urgent infrastructure investment decisions to meet capacity constraints across the Justice Cluster until the long-term infrastructure strategy is completed. Regardless of the outcome of the review, longer-term court and prison capacity in the right locations will be necessary to meet projected demand. Planning for major investments to meet this demand should continue.

Recommendation 114

Infrastructure NSW recommends that by the end of 2018, the Department of Justice prepares business cases to address court capacity in the Sydney CBD, South West Sydney and key locations in regional NSW.

Recommendation 115

Infrastructure NSW recommends that the Department of Justice prepare a business case and undertake site investigations and related community consultation by the end of 2018 to address the requirement for additional long-term prison bed capacity in Greater Sydney.