



## QUEENSLAND POLICE SERVICE

COMMISSIONER'S OFFICE  
200 ROMA STREET BRISBANE QLD 4000 AUSTRALIA  
GPO BOX 1440 BRISBANE QLD 4001 AUSTRALIA

Email: commissioner@police.qld.gov.au



Our Ref:

Your Ref:

27 May 2019

Mr John Robertson  
Chair  
Queensland Sentencing Advisory Council  
GPO Box 2360  
Brisbane QLD 4001

Dear Chair,

I refer to your letter of 9 May 2019 regarding the Queensland Sentencing Advisory Council's (QSAC) *Community Based Sentencing Orders, Imprisonment and Parole: Options Paper* (Options Paper) released on 30 April 2019.

The Queensland Police Service (QPS) is the primary law enforcement agency for Queensland providing services to the community 24 hours a day, seven days a week. The QPS has more than 15,000 members comprising of both sworn police officers and civilian staff.

The QPS has a key role in the preservation of peace and good order; preventing and detecting crime; upholding and administering the law responsibly, fairly and efficiently; and bringing offenders to justice. Any reform to sentencing laws is a matter of Government policy, however there will likely be consequential operational impacts on the services provided by the QPS, for example in the prosecution of matters in the Magistrates Court, the provision of frontline services to ensure community safety and the provision of information.

The QPS has responsibility for delivery of prosecutorial functions in the Magistrates Court jurisdiction throughout the State, as well as for Queensland's specialist courts. Police prosecutors regularly appear in sentencing and breach proceedings (i.e. relating to bail or sentence) in the Magistrates Court.

Recognising the high volume of breach proceedings for bail in the lower courts, the QPS is currently exploring a risk-based approach for police to exercise greater discretion in actioning contraventions of court-ordered bail. This approach aims to reduce punitive responses to technical and low-risk breaches

of bail while ensuring the integrity of arrangements for managing defendants in the community. This may also contribute to a reduction in the proportion of offenders (particularly, Aboriginal people and Torres Strait Islander people) incarcerated for contravention of bail undertakings.

The QPS acknowledges the exercise of discretion in dealing with technical and minor contraventions of a community-based sentence order could be in the public interest and might reduce the frequency of minor matters brought before the courts. A balanced approach would be required to ensure community safety whilst providing an offender with an opportunity to rehabilitate.

The QPS notes that any reforms to models of community-based orders, for example the provision of home detention, will have an impact on the capacity of the Service to support the monitoring of offenders in the community and enforce compliance with community-based orders, if required to do so. For this reason, clarification of responsibilities for service provision, particularly the pre and post-sentence management of persons in the community is essential to inform operational resourcing requirements.

The QPS supports enhancements to improve support services for offenders' subject to suspended sentences (and community-based sentences generally) to better inform offenders of their obligations and encourage compliance. Further, it is acknowledged placing offenders back into the community, especially in remote areas with limited or no support services or supervision to support prosocial behaviour, may undermine the purpose of a suspended sentence and result in non-compliance.

The QPS acknowledges a coordinated approach across government to address all elements of an individual's circumstances is considered integral to the successful reintegration and rehabilitation of offenders. Police are often first responders to incidents of alleged breaches of court-ordered bail and community-based sentences. Any change to the operation of such sentences should include consideration of potential impact on operational resourcing to sufficiently deal with offenders with community safety afforded priority. In addition to police response activities, time spent in court by police prosecutors and preparation of court documentation for contravention matters in lower and higher courts should also be considered.

In relation to issues regarding the calculation of sentences and pre-sentence custody raised in the Options Paper, there appears to be inherent complexities in the provisions around declarable and non-declarable time in custody in the calculation of sentences, especially where time spent in custody can be taken into account by a court whether it is declarable or not. As such, the QPS supports measures to enhance the accuracy and simplification of sentence calculations to ensure that administrative mechanisms and communication errors do not hinder community safety or unnecessarily infringe upon an

offender's rights. The QPS continues to support an inter-agency approach to mitigating risk of discharge and detention errors, critical to maintaining public safety.

The QPS remains supportive of reforms to sentencing measures proportionate to offending conduct with the primary aim of supporting community safety and treatment-based options which address causes of offending behaviour to reduce recidivism. A collaborative, holistic approach encompassing health, housing, justice and specialist support services is integral in the effective case management of offenders, particularly those dealing with multiple complex needs. Emphasis on early intervention and treatment of underlying causes of offending behaviour and pro-social pathways may subsequently reduce strain on resource capabilities for the QPS as well as the criminal justice system.

Should you have any enquiries,  
, will be able to assist you. can be contacted via telephone on

Thank you for the opportunity to contribute to the review.

Yours sincerely

**IAN STEWART**  
**COMMISSIONER**