

WESTERN AUSTRALIA

SUPERVISED RELEASE REVIEW BOARD

**ANNUAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2001**

YOUNG OFFENDERS ACT 1994

YOUNG OFFENDERS ACT 1994

TO: ATTORNEY GENERAL

FROM: THE SUPERVISED RELEASE REVIEW BOARD OF WESTERN
AUSTRALIA

REPORT PURSUANT TO SECTION 165

“Before 1 October in each year, the Board is to make a written report to the Minister as to –

- (a) the operations of the Board under this Act up to the last preceding 30 June;*
- (b) the number of persons released under supervised release orders during the year ending on the last preceding 30 June, and the number returned to custody upon cancellations of such orders during that year; and*
- (c) the operation of this Act so far as it relates to the release of offenders under supervised release orders and the activities under this Part of officers generally during that year”*

This report is submitted for your information and for general information and covers the period 1 July 2000 to 30 June 2001.

Supervised Release Review Board Membership

The following persons constituted the Supervised Release Review Board as at 30 June 2001.

Chairman: His Honour G Sadleir RFD

Members: Mr Alan Piper - Director General, Ministry of Justice
(Ms L Cronin - Community Based Services Manager,
Ministry of Justice)

Police Inspector W Mitchell - Commissioner of Police
Nominee

Mr R Oliver - Community Member

Ms D Taylor - Aboriginal Community Member

Deputy Members: Ms A Hawke - Deputy to Ms D Taylor

Ms R Pritchard - Deputy to Mr R Oliver

Detective Inspector James Migro – Deputy to

Inspector W Mitchell

The following persons also performed duties as members during part of the year in their capacity as Officers with the Ministry of Justice and Police Department – Ms M Wauchope, Mr J Sawle and Inspector K Hutchinson.

PREAMBLE

1. Under the terms of the *Young Offenders Act 1994*, the membership of the Board must include at least one person who has an Aboriginal background and is appointed from a panel of persons nominated by Aboriginal community organisations invited by the Minister to submit nominations.

The Board must also include at least one person, appointed from a panel of persons nominated by community organisations which have been invited by the Minister to submit nominations, a nominee of the Commissioner of Police and a nominee of the Chief Executive Officer of the Ministry of Justice.

The Chairman must be a person who is or has been a Judge of the Supreme Court or District Court or a person who is and has for at least eight years been a legal practitioner.

2. The primary task of the Board is to consider and decide upon the suitability of juvenile offenders for release from detention into the community, on what is termed a Supervised Release Order, and to determine the conditions attaching to such release.

Normally this consideration takes place just prior to the offender's "earliest release date" which, pursuant to the *Young Offenders Act 1994*, Section 121, is in the majority of cases the halfway mark of the period of detention ordered by the Court.

3. During the year in question the Board met at Banksia Hill Juvenile Detention Centre on 40 occasions (apart from 6 special meetings), generally at 8.30 a.m. on Wednesday mornings, excepting the first Wednesday of each month. At the meeting the juvenile offender's application for Supervised Release is considered in light of reports covering the offender's response to detention, the remedial and other programmes undertaken and the conditions which would be attached under any Release Order.

The members of the Board spend a considerable amount of time in preparation for Board Meetings in reading the files of the particular cases assigned to them, as well as files relating to all the other cases to be presented at the Meeting. Discussion at Meetings towards deciding each case is robust and open. In cases where the offender is eligible to be considered for release the Board's policy is that the offender comes before the Board to be informed in person of its decision. Thus, if a Release Order is to be made, the offender is informed accordingly and also told of the conditions attaching to the Order; likewise, if consideration of a Release Order is deferred or an Order is refused the offender is told in person the reasons for the decision. The offender is normally accompanied by a Juvenile Justice Officer or Member of Staff from Banksia Hill. Where available, the offender's parent or carer or other responsible adult also attends on behalf of the offender. Where the relevant adult person is not able to attend (especially in cases where the family is from a part of the State distant from Perth) arrangements are made for a telephone linkup.

4. This report includes the statistics of the cases dealt with by the Board during the reporting period.

For the first time since 1995 the number of cases coming before the Board has reduced. The reason for the reduction (of some 13.1%) in the year 2000/2001 from the previous year appears to be the reduced number of offenders sentenced to detention in the Banksia Hill Detention Centre. Information from the Centre shows that the number of sentenced detainees admitted for 2000/2001 declined by 18% from the previous year.

In the cases dealt with by the Board in 2000/2001 there was a continued but slight improvement in "parental" attendance before the Board (2.5%).

5. At the Board's Meeting on 21 March 2001 the quorum requirements of Section 157 of the *Young Offenders Act 1994* caused difficulty when a Board Member was unable to attend due to illness and the alternate member was prevented from attending due to an accident. In consequence, a number of cases could not be heard and were deferred. Those which had release dates falling prior to the next scheduled Meeting of the Board were dealt with later the same day by a Special Meeting; the remainder were dealt with at the next scheduled Meeting as their earliest release dates were subsequent to that Meeting.

Situations of this nature are obviated by administrative provisions of the *Young Offenders Bill 2000* which is proceeding through Parliament. The abovementioned problem which occurred was referred by the Board to the Attorney General to illustrate the practical need for the relevant administrative amendments.

6. The Board from time to time deals with the release of detainees who are foreign nationals and who, upon release, are immediately to be removed or deported from Australia through the Department of Immigration and Multicultural Affairs pursuant to the *Migration Act 1958*. There is thus no period of conditional supervised release as required under Part 8 of the *Young Offenders Act 1994*.

Advice from the State Crown Solicitor's Office is that it may be invalid for the Board to make Release Orders in circumstances where detainees are to be immediately removed or deported.

The issue was discussed in March 2001 between the Board Chairman and Ms Annette Wells (Director of Juvenile Justice - Community), Mr Barry King (State Crown Solicitor's Office) and Mr Michael Cain (Department of Immigration and Multicultural Affairs). The Department has power to deport or remove an offender upon conviction but has the policy of deferring the exercise of that power until the offender has completed the "non-parole" period of a sentence. This policy applies throughout Australia. The outcome of the Meeting was that Mr Cain would refer the issue to his Department for re-consideration of its policy. The matter is currently being followed up by the Board.

7. Of continuing concern to the Board is the lack of accommodation available in the community for juvenile offenders who are eligible for Supervised Release Orders. The problem occurs where family support is not available or adequate and, by reason of the nature of the offender's record and background, private or government agencies are unable or reluctant to give support. The offender may nevertheless have in all respects earned entitlement to a Release Order, the only obstacle being the lack of suitable accommodation.

The Board has been in correspondence with the Department of Justice and the Department for Community Development concerning this issue and understands that those two Departments have for the past two years been working together on programmes which will help to resolve this problem. The Board is following the matter up for progress.

8. The Board has been represented at Meetings of the State Reference Group of the Young Offenders Pilot Project. Services under the Project are provided by Outcare. One of the advantages of the Project is that Support Workers from Outcare begin their work, with detainees who are in the programme, at Banksia Hill in advance of their release dates. The Board has accommodated this process by a routine of bringing forward the dates for decision on eligibility for release of such detainees.
9. As Chairman, I should like to extend my personal thanks to all Board Members, and their alternates, for their work and contributions during the year. I also wish to thank the Staff of the Board, especially the Assistant Secretary, Mrs Alison Smylie, for the efficiency and practical support which they have brought to what can often be a difficult and complex task.

VISITORS TO THE BOARD

The Board continues to encourage the practice of receiving visitors to its meetings. The Board has received visits from social work and welfare students who were on practical placements either within the Ministry or a community youth organisation and also visitors from organisations providing information to the Board. On several occasions various Ministry of Justice personnel attended the Board Meeting to provide specific information regarding new initiatives or to clarify procedures. The Board also received a visit from two Officers of the Singapore Probation Service. Throughout the year a number of illegal immigrants were dealt with by the Board thus requiring the services of an Interpreter.

BOARD'S WORKLOAD

During the period 1 July 2000 to 30 June 2001, the Board held 40 regular and 6 extraordinary meetings and dealt with a total of 569 cases in relation to 214 individual offenders. Of the offenders, 74 were reviewed once, 48 twice, 31 three times, 30 four times, 15 five times, 11 six times, 4 seven times, one eight times and one nine times.

ATTENDANCE OF PARENT OR RESPONSIBLE ADULT

The Board continues actively to encourage the attendance of the offender's parents or responsible adult at its meetings. However, of the 274 offenders who came before the Board during the 12 month period, 93(33.9%) had no parent or responsible adult present on their behalf. In those situations the Board invokes Section 133(1)(c) of the Young Offenders Act to make an Order even though no such adult person is present.

RELEASES

There were 282 applications for release on a Supervised Release Order of which 198(69.5%) were approved. The Secretary approved 8(4.1%) applications for release and the Board the remaining 190(95.9%). Two Orders were subsequently rescinded by the Board.

DENIALS AND DEFERRALS

Denials

The Board denied 17(6.0%) of the applications for a Supervised Release Order. Of these 11(64.7%) were at the request of the offender and the remaining 6 applicants (35.3%) were considered unsuitable for release for various reasons, but in the main because of the offender's failure to address offending behaviour, poor institution conduct and no viable release plan.

Deferrals

The Board deferred the granting of a Supervised Release Order on 67(23.8%) occasions. The majority of the deferrals were because the Board considered that either the offender's release plan was unsuitable and required modification, the offender was in need of further counselling and training to address aspects of offending behaviour or that improved conduct within the institution was required.

SUSPENSIONS AND CANCELLATIONS

Of the 196 Supervised Release Orders approved, 83(42.3%) were subsequently suspended and/or cancelled, 16(19.3%) of these were due to further re-offending and conviction, 57(68.7%) due to non-compliance with the conditions of the Order, 6(7.2%) were due to re-offending and non-compliance and 4(4.8%) were automatically cancelled by the imposition of a custodial sentence. Of the 196 Release Orders for 2000/2001 (of detainees released into the community) there was a 1.6% increase in suspensions/cancellations on a comparison with the same category for the previous year although, of these, suspensions/cancellations through re-offending reduced by 2.8% and through non-compliance with conditions by 0.6%. In total there were 113 Supervised Release Orders cancelled and/or suspended of which 30 were for Orders issued prior to the commencement of the 2000/2001 period.

PERMISSION TO LEAVE THE STATE

Where a releasee's family/caregiver relocates to another State, either temporarily or permanently, the Board is required to formulate a policy to deal with the supervision of the Release Order. During the 12 month period the Board, having satisfied itself of the interstate supervision, permitted 1 releasee to travel interstate on a temporary basis to participate in a Football Carnival organised between two Aboriginal Communities.

SUPERVISED RELEASE ORDER - COMPLETIONS

During the 12 month period 95 Supervised Release Orders were successfully completed. There are presently 44 releasees on a Supervised Release Order.

GENDER/ABORIGINALITY

Gender

The Board/Secretary considered the cases of 214 individual offenders of whom 23(10.7%) were female and 191(89.3%) male.

Aboriginality

Of the total number of offenders considered by the Board 137(64.0%) were Aboriginal of whom 12(8.7%) were female and 125(91.3%) male.

ACKNOWLEDGMENT

The Board once again wishes to acknowledge the assistance and co-operation of all those personnel associated with the Board. In particular the officers and staff of the Department of Justice, Juvenile Justice Division generally, and the Superintendent and staff of the Banksia Hill Detention Centre for both their assistance and hospitality.

The assistance of the many government agencies, voluntary groups and individual voluntary workers involved with the preparation for release, treatment and supervision of young offenders, is acknowledged.

Chairman	His Honour G Sadleir RFD
Members	Mr R Oliver
	Ms L Cronin
	Inspector W Mitchell
	Ms D Taylor
	Ms R Pritchard
	Detective Inspector James Migro
	Ms A Hawke
Acting Secretary	Mr D McCormack
Assistant Secretary	Ms A Smylie

YEAR TO YEAR COMPARISON

	1998/99	1999/00	2000/01	Absolute Inc./Dec. on Prev. Year	Variation from Previous Year
Board Workload:					
Meetings	42	39	40		
Number of 'cases'	564	655	569	13.1% dec.	
Applications before the Board for release	261	327	274	16.2% dec.	
Parental non-attendance S133(1)(c) YOA invoked	60	119	93	21.8% dec.	2.5% dec.
Total Applications for Release:	284	342	282	17.5% dec.	
Total Orders Made	-	-	198		
Released by Board	191	221	188		
Released by Secretary	23	15	8		
Rescinded by Board	-	-	2		
Denial of SRO:	25	13	17	30.8% inc.	2.2% inc.
Offenders own request	12	7	11		
By the Board	13	6	6		
Deferral of SRO:	43	90	67	25.6% dec.	2.5% dec.
Suspension/Cancellation SRO:	84	96	83	13.5% dec.	1.6% inc.
By re-offending	29	26	16	38.5% dec.	2.8% dec.
By non-compliance	54	70	57	18.6% dec.	0.6% dec.
By re-offending/non-compliance	-	-	6		
By automatic cancellation	-	-	4		
Individual Offenders Considered by Board and Secretary:	230	247	214	13.4% dec.	
Gender:					
Male	206	224	191		
Female	24	23	23		
Aboriginality by Gender:	139	155	137		

Male	129	143	125
Female	10	12	12