

WESTERN AUSTRALIA

SUPERVISED RELEASE REVIEW BOARD

**ANNUAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2002**

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 2001 to 30 June 2002.

Supervised Release Review Board Membership

The following persons constituted the Supervised Release Review Board as at 30 June 2002.

Chairman:	His Honour G Sadleir RFD
Members:	Mr Alan Piper - Director General, Department of Justice (Ms L Cronin - Community Justice Services Manager, Department of Justice) Police Inspector W Mitchell - Commissioner of Police Nominee Mr R Oliver - Community Member Ms D Taylor - Aboriginal Community Member
Deputy Members:	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 Department of Justice – Mr J Sawle and Ms D Rayner.

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 11 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 a 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 second year in succession the number of cases coming before the Board has reduced. As with last year, the reason for the reduction (of some 12.1% from last year) appears to be the reduced numbers of sentenced detainees in Banksia Hill Detention Centre. Information from the Centre shows that the number of detainees admitted for 2001/2002 declined by 7% from the previous year.

In 2001/2002 there was a slight decrease (1.6%) in "parental" attendance before the Board.

In the year under review, Department for Community Development Officers participated in Board Meetings on 17 occasions to represent detainees who were Wards of the State or under the care of the Department for Community Development.

5. The quorum requirements of Section 157 of the *Young Offenders Act 1994* have continued to be a potential obstacle to the efficient operation of the Board.
6. The Board again had to deal with the release of detainees who were foreign nationals and who, upon release, were immediately removed 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*. This has still continued to be a problem of concern to the Board. 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.
7. The Board has continued to voice its concern with respect to the lack of accommodation facilities in the community for certain juvenile offenders under release orders. In September 2001, the Board wrote to the Minister, the Hon. Sheila McHale, MLA on the subject. At the instigation of the Minister, a meeting was held between the members of the Board and Senior Officers of the Department for Community Development (Ms Maree DeLacey, Executive Director, Mr Lex McCulloch, Executive Director and Mr Mike Hepburn, Manager Southern Zone). The Board provided examples of cases involving the Department for Community Development in which there were difficulties in obtaining accommodation for a detainee upon release. The outcome of the meeting included arrangements for a closer liaison between the Board and the Department (through Ms Cronin, on behalf of the Board and Mr Hepburn) and an improved format for the Department's reports to be provided to the Board.

The Board was also informed in May 2002, through Ms Annette Wells, Director, Juvenile Justice and Mr Mike Hepburn of the proposal for the Department for Community Development and the Department of Justice jointly to operate an accommodation facility for a number of young offenders in houses at the old Riverbank site and to develop a country site for a similar purpose.

On 28 June 2002, the Chairman spoke at a seminar, held by South East Metropolitan Youth Action, a group headed by Mr Ross Oliver, a member of the Board. The seminar reviewed the operation of YAHO (Youth Action Housing Options) for the accommodation of young persons in the community through funding provided by Department for Community Development/Family and Children's Services.

8. During the year, the Board continued to be involved in the State Reference Group which oversees the progress of the Young Offenders Pilot Project and was represented at Meetings of the group on 10 September 2001 and 7 March 2002. The programme will cease on 31 October 2002.
9. The Board made submissions in the Review of the Parole Board/Mentally Impaired Defendants Review Board and the Supervised Release Review Board. The Board held discussions with Mr Peter Frizzell who headed the Review on behalf of the Department of Justice. Mr Frizzell attended a meeting of the Board as part of this Review.
10. At its meeting on 19 December 2001 the Board welcomed the attendance of Mr Alan Piper, Director General of the Department of Justice and Ms Jan Shuard, Director, Juvenile Custodial Services. Mr Piper took particular interest in the question of accommodation for offenders on release orders. As a result of this meeting a programme was put in place whereby the Case Planning Unit of Banksia Hill Detention Centre now gives a quarterly report with regard to Case Planning and Banksia Hill issues.
11. Ms Jane Sampson, Manager, Young Offender Development, Mr Ian Davan and Ms Joanne Dobson, Psychological Services, Juvenile Justice spoke to the Board on 15 May 2002 on the topic of psychological assessment and counselling of young offenders. The topics covered included the background of difficulties and deprivation as causes in delinquent conduct and the risks of re-offending as well as an account of the nature and objectives of rehabilitation programmes for offenders in detention and under supervision in the community. New initiatives were also described. Ms Dobson spoke of the approach and methods used in Sexual Offender Treatment Programmes for juvenile offenders.

Ms Sampson is to give a further presentation on the subject of culturally appropriate counselling, which in particular, concerns detainees of Aboriginal descent.

12. 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 Department of Justice personnel attended the Board Meeting to provide specific information regarding new initiatives or to clarify procedures. Throughout the year a number of illegal immigrants were dealt with by the Board through the services of an Interpreter.

BOARD'S WORKLOAD

During the period 1 July 2001 to 30 June 2002, the Board held 40 regular and 11 extraordinary meetings and dealt with a total of 500 cases in relation to 193 individual offenders. Of the offenders, 54 were reviewed once, 57 twice, 43 three times, 13 four times, 13 five times, 6 six times, 6 seven times and one eight 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 263 offenders who came before the Board during the 12 month period, 85(32.3%) 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 267 applications for release on a Supervised Release Order of which 195(73.0%) were approved. The Secretary approved 4(2.0%) applications for release and the Board the remaining 191(98.0%). Two Orders were subsequently rescinded by the Board.

DENIALS AND DEFERRALS

Denials

The Board denied 17(6.4%) of the applications for a Supervised Release Order. Of these 13(76.5%) were at the request of the offender and the remaining 4 applicants (23.5%) were considered unsuitable for release for various reasons, but in the main because of the offender's failure to address offending behaviour, poor institutional conduct and no viable release plan.

Deferrals

The Board deferred the granting of a Supervised Release Order on 53(19.8%) 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 193 Supervised Release Orders approved, 73(37.8%) were subsequently suspended and/or cancelled, 31(42.5%) of these were due to further re-offending and conviction, 36(49.4%) due to non-compliance with the conditions of the Order, 5(6.8%) were due to re-offending and non-compliance and 1(1.3%) was automatically cancelled by the imposition of a custodial sentence. Of the 193 Release Orders for 2001/2002 (of detainees released into the community) there was a 4.5% decrease in suspensions/cancellations on a comparison with the same category for the previous year although, of these, suspensions/cancellations through re-offending increased by 7.9% and through non-compliance with conditions decreased by 10.4%. In total there were 97 Supervised Release Orders cancelled and/or suspended of which 25 were for Orders issued prior to the commencement of the 2001/2002 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 79 Supervised Release Orders were successfully completed. There are presently 53 releasees on a Supervised Release Order.

GENDER/ABORIGINALITY

Gender

The Board/Secretary considered the cases of 193 individual offenders of whom 19(9.8%) were female and 174(90.2%) male.

Aboriginality

Of the total number of offenders considered by the Board 136(70.4%) were Aboriginal of whom 16(11.8%) were female and 120(88.2%) 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
Secretary	Mr S Gougoulis
Assistant Secretary	Ms A Smylie

YEAR TO YEAR COMPARISON

	1999/00	2000/01	2001/02	Absolute Inc./Dec. on Prev. Year	Variation from Previous Year
Board Workload:					
Meetings	39	40	40		
Number of 'cases'	655	569	500	12.1% dec.	
Applications before the Board for release	327	274	263	4.0% dec.	
Parental non-attendance S133(1)(c) YOA invoked	119	93	85	8.6% dec.	1.6% dec.
Total Applications for Release:	342	282	267	5.3% dec.	
Total Orders Made	-	198	195		
Released by Board	221	188	189		
Released by Secretary	15	8	4		
Rescinded by Board	-	2	2		
Denial of SRO:	13	17	17	0.0% inc./dec.	0.3% inc.
Offenders own request	7	11	13		
By the Board	6	6	4		
Deferral of SRO:	90	67	53	20.9% dec.	3.9% dec.
Suspension/Cancellation SRO:	96	83	73	12.1% dec.	4.5% dec.
By re-offending	26	16	31	93.8% inc.	7.9% inc.
By non-compliance	70	57	36	36.8% dec.	10.4% dec.
By re-offending/non-compliance	-	6	5	16.6% dec.	4.7% dec.
By automatic cancellation	-	4	1	75.0% dec.	15.3% dec.
Individual Offenders Considered by Board and Secretary:	247	214	193	9.8% dec.	
Gender:					
Male	224	191	174		
Female	23	23	19		
Aboriginality by Gender:	155	137	136		
Male	143	125	120		
Female	12	12	16		