

WESTERN AUSTRALIA

SUPERVISED RELEASE REVIEW BOARD

**ANNUAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2003**

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 2002 to 30 June 2003.

Supervised Release Review Board Membership

The following persons constituted the Supervised Release Review Board as at 30 June 2003.

Chairman:	His Honour G Sadleir RFD
Members:	Mr Alan Piper - Director General, Department of Justice (Mr J Sawle - 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 Peter Lavender – Deputy to Inspector W Mitchell Dr M Winch – Deputy to Ms D Taylor

The following persons also performed duties as members during part of the year in their capacity as Officers with the Department of Justice, Officers with the Police Department of Western Australia and Community Members – Ms L Cronin, Ms D Rayner, Mr P Varga, Ms E Kickett, Det. Insp. J Migro and Ms S Jan.

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 Department 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 10 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 continue to 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. **STATISTICS**

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

For 2002/2003 there was a slight increase (of 1.2% from last year) in the number of cases coming before the Board.

There was again a slight decrease (1.8%) in "parental" attendance before the Board.

5. **QUORUM PROBLEMS**

As in previous years, the requirements of Section 157 of the *Young Offenders Act 1994* have continued in 2002/2003 to be an obstacle to the efficient operation of the Board. At the Board's Meeting on 23 October 2002 a Board Member was absent because of sudden illness and the Alternate Member was not able to attend at short notice. In the result the four Members present at the Meeting were able to decide only one case. Those cases in which the earliest release date fell due before the next scheduled meeting of the Board on 30 October 2002 were deferred to a Special Meeting later on the same day; the remainder were deferred to the 30 October.

It is to be hoped that legislative amendments to avoid such situations will be passed in the near future.

6. **DEPORTATION/REMOVAL OF DETAINEES**

Considerable progress was made to rectify the irregularities which exist in processes for the release from detention of foreign nationals and others who are liable to be deported or removed from Australia pursuant to the *Migration Act 1958* of the Commonwealth. In February 2002 a Review of the *Prisoners (Release for Deportation) Act WA 1989* was approved by the State Attorney General. A Review Committee was appointed to examine and consider issues involving the Parole Board and the Supervised Release Review Board with the release of prisoners to Parole, or detainees to Supervised Release Orders, where the parolee or detainee is subject to removal or deportation upon release.

As Chairman of the Supervised Release Review Board I was a Member of the Review Committee, which recommended that juvenile detainees should be subject to the same provisions as apply to adult prisoners under the *Prisoners (Release for Deportation) Act*. That Act gives a mechanism whereby the Parole Board may recommend, to the Governor in Executive Council, the release of a prisoner to facilitate his or her deportation under the *Migration Act*. As well, the Committee recommended that the *Prisoners (Release for Deportation) Act* should extend to cases of removal from Australia (as distinct from deportation) under the *Migration Act*.

It is to be hoped that the necessary legislative provisions are put into effect at an early date to obviate the concerns that Release Orders made by the Board, in circumstances where detainees are to be removed or deported, may be invalid.

7. **NEED FOR RE-ENTRY ACCOMMODATION**

The Board continues to have concerns with respect to the lack of accommodation in the community for certain juvenile offenders who are eligible for release under supervision. The Board has previously pointed out the problem, which occurs where family support is non-existent, inadequate or undesirable and, by reason of the detainee's background and record, private or government agencies are unable or reluctant to give support. The detainee may in some cases have earned entitlement to a Supervised Release Order, the only obstacle being the lack of suitable accommodation.

Over a number of years now the Board has been in correspondence with the Department of Justice and Department for Community Development concerning the issue. As stated in last year's Report, the Board was informed in May 2002 of a joint proposal for Department of Justice and Department for Community Development to operate an accommodation facility for a number of young offenders on Release Orders at the old Riverbank site and to develop a country site for a similar purpose. Regrettably, information from the Department of Justice is that during the year under review, nothing more has developed with this proposal.

8. **YOUNG OFFENDERS PILOT PROGRAMME**

The Board continued to be involved with the State Reference Group for the Young Offenders Pilot Programme. This project, which was Federally funded, operated for a period from June 2000 to September 2002.

The particular aim of the project was to provide intensive transitional support to 15-18 year old offenders in the metropolitan area, who were being released from Banksia Hill Detention Centre, through physical and personal supports to help ensure compliance with the conditions of Release Orders, including attendance at community based educational and vocational training programmes. The services and staffing for the project were provided by Outcare.

From the Board's point of view, the project was of great assistance providing, as it did, intensive assistance to detainees and in working with detainees in the Detention Centre in preparation for their release, locating accommodation for them in the community and aiding their compliance with the conditions of their Release Orders.

It is pertinent to the question of accommodation (see Paragraph 7 of this Report) that the final report of the Young Offender's Pilot Programme in January 2003 points out that:-

"Many of the young people had no or at the very best unstable accommodation supports. It was extremely difficult to find suitable and supportive accommodation for these young persons. The project was severely hampered by the lack of suitable accommodation for young persons and the rigidity of the way some of (the accommodation facilities) operated".

It was also observed in the report that:-

"Many of the agencies acted only as landlords and did little in the way of providing a supportive and therapeutic environment for the young person. It was very easy for a young person to get evicted from their accommodation for matters that could be worked on.

“Many young people returning home were not supported by their families in regard to their reporting and other needs. Many had no or extremely limited parental support or supervision”.

“Over the life of the project it became more and more obvious to the (Transition Support Workers) that the transition out of detention might well be served by a dedicated transition house which could provide support for 6-8 weeks following release”.

The Young Offender’s Pilot Programme report also noted that only 48% of the detainees subject to the project came out of detention to live with their families or other relatives; and 48% went to non-family-based accommodation.

9. **FRIZZELL REVIEW**

During the year under review, the Board continued 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.

10. **BOARD MEMBERS VISITS TO REGIONAL CENTRES**

BROOME

On 4, 5 and 6 September 2002 Ms Dianne Taylor, the Aboriginal Member of the Board, and I visited Broome, in order to meet and confer with Department of Justice Officers, as well as Staff from the educational, counselling and other services, available in the district for young offenders on Release Orders. The organisations visited included:-

- * Broome Senior High School, at which Bayside Alternative Education Class does valuable work to engage truants, “school refusers” and other juveniles who are alienated from school.
- * Kimberley Community Drug Services.
- * Burdekin Youth in Action, which is partly funded by Department for Community Development and aims to get young people engaged in employment and obtain housing.
- * Banana Well Bail Centre, which is one of the facilities opened to enable juveniles who are charged with offences to remain in the North-West pending the outcome of their cases, rather than having them brought to Perth.

The Chairman and Ms Taylor also had useful discussions with the Magistrate, Mr Antoine Bloemen, S.M. concerning issues involving juvenile offenders in the Kimberley.

MEEKATHARRA/CARNARVON

On 5-8 May 2003 Mr Ross Oliver, Member of the Board representing the Community, and I travelled to Meekatharra and Carnarvon.

At Meekatharra we visited:-

- * Karalundi Educational Community, a boarding school for up to 100 Aboriginal young people to year 10, which operates with superb grounds and facilities and has funding from a variety of government and non-government sources. The school applies a disciplinary approach and strict criteria to entry.
- * Yulga Jinna (near Meekatharra) and Burringurrah Aboriginal Communities. The latter is remotely situated between Meekatharra and Carnarvon. These communities appeared as being well-administered and with excellent housing, nursing and educational facilities.

In addition a Meeting was held at the Department of Justice Offices with representatives from the Local Shire, Police and Aboriginal Community.

At Carnarvon, we visited:-

- * Compari Community Drug Service Team.
- * Department for Community Development local staff.
- * Psychological Services – Ms Christine Armstrong who works mainly in the area of Family Support.
- * Mr Lester Coyne, Manager, Community Development Employment Programme, Carnarvon.
- * Police and Citizens Youth Centre.

We also conferred with the Clerk of Courts and Officer in charge of Police in Carnarvon.

Throughout the visits to Broome, Meekatharra and Carnarvon the efficiency of the assistance given to us by the local Department of Justice Officers was greatly appreciated.

These visits were of substantial benefit by way of informing officers and agencies more clearly of the membership, role and policies of the Board and its expectations with regard to the performance of Supervised Release Orders and the enforcement of conditions imposed in such Orders. At the same time, Board Members were able to appreciate the difficulties encountered by Officers in the supervision of offenders and in locating and engaging suitable services and agencies to provide programmes and assistance. In particular, in the regions visited, there are fundamental difficulties in providing useful and interesting activities for juveniles and in diversion from peer group offending. In that respect, local Government and community initiatives to provide recreational and sporting activities, including the Youth Centre in Meekatharra, and PCYC in Carnarvon, need to be encouraged and given financial support. There is also a problem with finding persons willing to act as Mentors, a service which the Board has found to be of considerable value to assist young offenders to meet the conditions of Release Orders.

11. In November 2002, I spoke at the Community Justice Services Senior Casework Supervisors Course regarding the work of the Board, with some comments on supervision of detainees and the quality of Juvenile Justice Officers reports.

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 within the Department and work experience students on placement with a community youth organisation. The Board also received a visit from a Corrections Officer from South Korea.

On several occasions various Department of Justice personnel attended the Board Meeting to give presentations to Board Members as follows:

Mr Keith Shiers, Acting Director and Mr Nigel Cameron, Acting Manager of Programs and Services regarding Programmatic Intervention.

Ms Jane Sampson, Manager, Young Offender Development, and Psychological Services Staff (Mr Ian Davan, Ms Joanne Dobson, Mr Laurie Haynes, Ms Sharla Jackson) regarding Culturally Appropriate Counselling.

Ms Suzanne Rose, Principal, Juvenile Education regarding Education Issues.

Ms Jane Sampson, Manager, Young Offender Development and Mr Ian Davan, Referral Manager regarding Multisystemic Therapy.

Every three months the Manager of Case Planning provided an update to Board Members regarding any Case Planning, Banksia Hill issues but also updated information regarding Day Release and accommodation.

BOARD'S WORKLOAD

During the period 1 July 2002 to 30 June 2003, the Board held 40 regular and 10 extraordinary meetings and dealt with a total of 506 cases in relation to 182 individual offenders. Of the offenders, 52 were reviewed once, 44 twice, 32 three times, 27 four times, 13 five times, 7 six times, 4 seven times, one eight times, one nine times and one ten times.

ATTENDANCE OF PARENT OR RESPONSIBLE ADULT/WARDS OF THE STATE

The Board continues actively to encourage the attendance of the offender's parents or responsible adult at its meetings. However, of the 272 offenders who came before the Board during the 12 month period, 93(34.1%) 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.

In the year under review, the Board dealt on 27 occasions with 11 detainees who were Wards of the State, in the care of the Department for Community Development. On 16 of those occasions the Ward was under consideration for a Supervised Release Order. Out of those 16 occasions, a Department for Community Development Officer was present at the Board's Meeting (or was available via telephone link up) on 10 occasions.

RELEASES

There were 274 applications for release on a Supervised Release Order of which 169(62.0%) were approved. The Secretary approved 2(1.2%) applications for release and the Board the remaining 167(98.8%). Two Orders were subsequently rescinded by the Board.

DENIALS AND DEFERRALS

Denials

The Board denied 19(7.0%) of the applications for a Supervised Release Order. Of these 17(89.5%) were at the request of the offender and the remaining 2 applicants (10.5%) were considered unsuitable for release for various reasons, but in the main because of the offender's risk of re-offending due to failure to address offending behaviour, poor institutional conduct, poor prior performance on community orders and no viable release plan.

Deferrals

The Board deferred the granting of a Supervised Release Order on 84(31.0%) occasions. The majority of the deferrals were because the Board considered that aspects of the offender's release plan were unsuitable and required modification, (for example further information was required regarding accommodation, mentor appointments and information from Department for Community Development), the offender was in need of further counselling and training to address aspects of offending behaviour (for example specialist advice and independent psychological/psychiatric assessments) or that improved conduct within the institution was required. There were also occasions when the Board deferred cases subject to outcome of bail applications, outcome of court or Parole Board proceedings or where the Board did not have the necessary Board Members to constitute a Quorum (see Paragraph 5 of this Report).

SUSPENSIONS AND CANCELLATIONS

Of the 167 Supervised Release Orders approved, 66(39.5%) were subsequently suspended and/or cancelled, 20(30.3%) of these were due to further re-offending and conviction, 36(54.5%) due to non-compliance with the conditions of the Order, 8(12.2%) were due to re-offending and non-compliance, 1(1.5%) was automatically cancelled by the imposition of a custodial sentence and 1(1.5%) detainee was removed from Australia and unable to comply with the Order. Of the 167 Release Orders for 2002/2003 (of detainees released into the community) there was a 1.7% 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 4.1% and through non-compliance with conditions decreased by 2.9%. In total there were 105 Supervised Release Orders cancelled and/or suspended of which 39 were for Orders made prior to the commencement of the 2002/2003 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 permanent basis due to the family relocating interstate.

SUPERVISED RELEASE ORDER - COMPLETIONS

During the 12 month period 73 Supervised Release Orders were successfully completed. There are presently 48 releasees on a Supervised Release Order.

GENDER/ABORIGINALITY

Gender

The Board/Secretary considered the cases of 182 individual offenders of whom 15(8.2%) were female and 167(91.8%) male.

Aboriginality

Of the total number of offenders considered by the Board 128(70.3%) were Aboriginal of whom 13(10.2%) were female and 115(89.8%) 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
	Mr J Sawle
	Inspector W Mitchell
	Ms D Taylor
	Ms R Pritchard
	Detective Inspector Peter Lavender
	Dr M Winch
Secretary	Mr S Gougoulis
Assistant Secretary	Ms A Smylie

YEAR TO YEAR COMPARISON

	2000/01	2001/02	2002/03	Absolute Inc./Dec. on Prev. Year	Variation from Previous Year
Board Workload:					
Meetings	40	40	40		
Number of 'cases'	569	500	506	1.2% inc.	
Applications before the Board for release	274	263	272	3.4% inc.	
Parental non-attendance S133(1)(c) YOA invoked	93	85	93	9.4% inc.	1.8% dec.
Total Applications for Release:	282	267	274	2.6% inc.	
Total Orders Made	198	195	169		
Released by Board	188	189	165		
Released by Secretary	8	4	2		
Rescinded by Board	2	2	2		
Denial of SRO:	17	17	19	11.7% inc.	0.6% dec.
Offenders own request	11	13	17		
By the Board	6	4	2		
Deferral of SRO:	67	53	84	58.4% inc.	10.8% dec.
Suspension/Cancellation SRO:	83	73	66	9.6% dec.	1.7% dec.
By re-offending	16	31	20	35.5% dec.	4.1% inc.
By non-compliance	57	36	36	0.0% inc./dec.	2.9% dec.
By re-offending/non-compliance	6	5	8	60.0% inc.	2.2% dec.
By automatic cancellation	4	1	1	0.0% inc./dec.	0.0% inc/dec.
Removed from Australia	-	-	1		
Individual Offenders Considered by Board and Secretary:	214	193	182	5.7% dec.	
Gender:					
Male	191	174	167		
Female	23	19	15		
Aboriginality by Gender:	137	136	128		
Male	125	120	115		
Female	12	16	13		

