

**WESTERN AUSTRALIA**

**SUPERVISED RELEASE REVIEW BOARD**

**ANNUAL REPORT  
FOR THE YEAR ENDED 30TH JUNE 2006**

**YOUNG OFFENDERS ACT 1994**

## YOUNG OFFENDERS ACT 1994

TO: MINISTER FOR CORRECTIVE SERVICES

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 2005 to 30 June 2006.

#### Supervised Release Review Board Membership

The following persons constituted the Supervised Release Review Board as at 30 June 2006.

Chairman:	His Honour L A Jackson QC
Members:	Ms D Rayner – Senior Casework Supervisor, Department of Corrective Services Police Inspector P McDonald - Commissioner of Police Nominee Ms G Prideaux - Community Member Ms N Bennett - Aboriginal Community Member
Deputy Members:	Ms R Pritchard - Deputy to Ms G Prideaux Ms D Henry – Deputy to Ms N Bennett

The following persons also performed duties as members during part of the year in their capacity as Officers with the Western Australian Police Service – Det. Insp. T Vidovich, Insp. B Hawker and Det. Insp. P Lavender.

## 1. CHAIRMAN'S PREAMBLE

Under the terms of the *Young Offenders Act 1994*, the membership of the Board must include a Chairman who 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. The Board must also 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; 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 Commissioner of the Department of Corrective Services.

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.

It is the policy of the Board that the community is best served by young offenders being subject to a regime of support following release from detention.

During the year the Board met at Banksia Hill Juvenile Detention Centre on 40 occasions (apart from 13 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. 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.

I should like to express my sincere appreciation for the contributions, hard work and assistance provided by the Members (and their Alternates). Their approach to what is a difficult, complex, and sometimes controversial, task, has always been professional, forthright and independent. There are many frustrations in the Board's responsibilities, which represent essential and valuable community work, although sometimes the outcomes can be rewarding.

The public service management of the Board falls mainly to its Secretary, Mrs Alison Smylie, whose efficiency, practical support and dedication to the job would be extremely difficult to replace.

## **2. BOARD'S WORKLOAD**

During the period 1 July 2005 to 30 June 2006, in 40 regular and 13 extraordinary meetings the Board dealt with a total of 580 cases in relation to 195 individual offenders. Of these offenders, 52 were reviewed once, 38 twice, 46 three times, 23 four times, 16 five times, 8 six times, 8 seven times, 2 eight times and 2 eleven times.

## **3. RELEASES**

There were 274 applications for release on a Supervised Release Order of which 194(70.8%) were approved by the Board (no Release Orders were referred to the Secretary for determination). Three (1.0%) Orders were subsequently rescinded by the Board, prior to release.

## **4. DENIALS**

The Board denied 12(4.4%) of the applications for a Supervised Release Order. Of these 8(66.7%) were at the request of the offender and the remaining 4 applicants (33.3%) 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 and no viable release plan. Of the 12 applications for a Supervised Release Order which were denied, 8(66.7%) were by detainees of Aboriginal descent and 4(33.3%) were by detainees of non-Aboriginal descent.

The precise reasons why a detainee may decline to seek a release order have not been the subject of a study but anecdotal information is that refusal may be because of an unwillingness by the detainee to be subject to the constraints of supervision and other obligations upon release into the community, the detainee does not wish to complete counselling in the detention setting, or because the detainee believes that his application will be deferred with conditions or will be denied by the Board. In these circumstances a detainee may prefer to sit out the period of the sentence in custody.

## **5. DEFERRALS**

The Board deferred the granting of a Supervised Release Order on 68(24.8%) occasions, a decrease of 27% from the previous year. 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, information regarding the appointment of a Youth Support Officer was needed, information from Department for Community Development, Victim Offender Mediation Unit and Disability Services Commission was needed); the offender was in need of further counselling and training to address aspects of offending behaviour (for example specialist advice programs to address offending behaviour and independent psychological/psychiatric assessments); or that improved conduct within the institution was required (including the outcome of Detention Centre charges). There were also occasions when the Board deferred cases subject to outcome of court proceedings or Bail being granted.

Of the 68 occasions when the Board deferred the granting of a Supervised Release Order there were 52(76.5%) occasions (45 individuals) when the case involved a detainee of Aboriginal descent and 16(23.5%) occasions (10 offenders) when the case involved a detainee of non-Aboriginal descent.

On 29 of the 68 occasions the Board deferred the granting of a Supervised Release Order mainly because of accommodation problems, although on some of the 29 occasions there were also other issues of improvement in conduct, progress in/or completion of counselling and the provision of specialist reports, or the provision of prison reports.

## **6. BOARD'S POLICY ON DEFERRALS AND DENIALS**

Taken as a variation from the previous year, denials of a Supervised Release Order were virtually unchanged except that the proportion of denials by the Board (4) rather than at the request of the detainee (8) decreased.

The Board's policy is to ensure, as far as possible, that when detainees are returned to the community they do so subject to a period of supervision and with obligations to report and to reside as directed and to undertake programs and obligations which may include testing for drug use, psychological and other counselling, medical or psychiatric treatment as well as to be under the guidance of a mentor. The Board defers the release of a detainee past the earliest eligibility date with conditions which may include a requirement for improved conduct in the detention centre, completion of or progress in programs (for example, for substance abuse or other counselling), psychological/psychiatric reports, or improvement in the release plan, particularly with the arrangements for accommodation. With deferrals, the effective period on Supervised Release is, of course, shortened but, as stated above, it is usually preferable for the detainee to return to the community, even for a short period, under supervision and with conditions. Where an offender is released at the end of the sentence, having had a release order denied, he or she is under no further obligations or conditions relating to the sentence.

## **7. SUSPENSIONS AND CANCELLATIONS**

Of the 191 Supervised Release Orders approved, 60(31.4%) were subsequently suspended and/or cancelled, 22(36.7%) of these were due to re-offending and conviction, 32(53.3%) due to non-compliance with the conditions of the Order and 6(10.0%) were due to both re-offending and non-compliance. Of the 60 Release Orders which were subsequently suspended and/or cancelled, 47(78.3%) occasions (43 offenders) where the person was of Aboriginal descent and there were 13(21.7%) occasions (13 offenders) where the person was of non-Aboriginal descent. Of the total of 191 Release Orders for 2005/2006 there was a 13.3% decrease in suspensions/cancellations on a comparison with the same category for the previous year. Of these, there was a 2.2% increase in suspensions/cancellations through re-offending from the previous year but non-compliance with conditions decreased by 13.5%. In total there were 81 Supervised Release Orders cancelled and/or suspended of which 21 were for Orders made prior to the commencement of the 2005/2006 period.

## **8. SUPERVISED RELEASE ORDER - COMPLETIONS**

During the 12 month period 98 Supervised Release Orders were successfully completed. There are presently 46 releasees on a Supervised Release Order.

## **9. GENDER/ABORIGINALITY**

## **GENDER**

The Board/Secretary considered the cases of 195 individual offenders of whom 15(7.7%) were female and 180(92.3%) male.

## **ABORIGINALITY**

Of the total number of offenders considered by the Board 150(76.9%) were of Aboriginal descent of whom 14(9.3%) were female and 136(90.7%) male.

## **10. STATISTICS**

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

For 2005/2006 there was a decrease (of 9.7% from last year) in the number of cases coming before the Board.

There was a decrease (2.6%) in "parental" attendance before the Board.

## **11. ATTENDANCE OF PARENT OR RESPONSIBLE ADULT/WARDS OF THE STATE**

The Board continues to actively encourage the attendance of the offender's parents or responsible adult at its meetings. However, of the 271 applications for release who came before the Board during the 12 month period, 106(39.1%) had no parent or responsible adult present or available by telephone on their behalf. In those situations the Board invokes Section 133(1)(c) of the *Young Offenders Act 1994* to make an Order even though no such adult person is present.

In the year under review, the Board dealt, on 26 occasions, with 10 detainees who were Wards of the State in the care of the Department for Community Development. On 19 of those occasions the Ward was under consideration for a Supervised Release Order. Out of those 19 occasions, a Department for Community Development Officer was present at the Board's Meeting (or was available via telephone link up) on 12 occasions.

The Department for Community Development is effectively in loco-parentis to the Ward and has a responsibility to see whether its Ward is to be released and, if so, what supports including accommodation would be provided for him or her in the community upon release.

## **12. MENTORS**

The appointment of mentors (now called "Youth Support Officers") to assist juveniles in complying with their Release Orders, and to provide a role model, has been a successful measure. The funding and availability of mentors is now fairly satisfactory in the Metropolitan area and in the larger regional centres, but there remain difficulties in obtaining mentors in the smaller and more remote centres. Recruiting and retaining suitable mentors is a significant issue in all centres.

### **13. DEPORTATION/REMOVAL OF DETAINEES**

The Board has continued to be informed of progress with the *Prisoners (Release for Deportation) Bill 2003* which has yet to proceed to enactment.

### **14. ADULT OFFENDERS UNDER SUPERVISED RELEASE ORDERS**

The Board understands that its initiatives for amendments to the *Young Offenders Act 1994*, arising from concern at the number of offenders who continue to be subject to juvenile release orders after they turn 18 years of age, are continuing to proceed to legislation.

### **15. MENTAL HEALTH - DETAINEES**

No problems specific to this arose last year.

### **16. VISITS BY THE BOARD**

On 6 July 2005 Members of the Board visited Banksia Hill Detention Centre and Rangeview Remand Centre. This was to allow the new Chairman to become acquainted with those facilities and to refamiliarise the Board Members with them. The knowledge obtained from these visits has been useful to the work of the Board.

On 3 August 2005 Members of the Board visited the Balga Works Programme at Balga Senior High School and its accommodation in Joondalup. The programme provides educational and vocational training for young people released on Supervised Release Orders. It is a valuable adjunct to the programmes conducted in Banksia Hill. The accommodation provides “normal” living by placing a small number of young people with supervision in an apartment, requiring them to perform usual household chores. The provision of such accommodation is important as most young offenders come from dysfunctional family backgrounds and releasing them back into such an environment is often unhelpful.

### **17. 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, justice studies, criminology/psychology and psychology students who were on practical placements within the Department. The Board also received visits from Department of Corrective Services Staff (including Banksia Hill and Rangeview Staff, Juvenile Justice Officers, Staff from the Victim Offender Mediation Unit and Staff from the Intensive Supervision Programme); Department of the Attorney General Staff (including Judge French and Managers and Staff of the Parole Board/Mentally Impaired Accused Review Board) and Staff from the Western Australian Police Service.

The Board also received visits from personnel providing presentations to Board Members (including Staff from the Intensive Supervision Programme; Staff from Banksia Hill, Policy and Planning and Juvenile Custodial Services Directorate regarding Pre-Release Programmes; Staff from Programmes Branch regarding the Protective Behaviours Programme; Staff from the Victim Support Services/Victim Offender Mediation Unit/Victim Notification Registry and Staff from Juvenile Education Services regarding the Caversham Project).

Every three months the Manager of Case Planning at Banksia Hill Detention Centre has provided an update to Board Members regarding any Case Planning issues.

## **18. SUPERVISED ACCOMMODATION**

The Board considers the provision of some form of supported (supervised or re-entry) accommodation to be a valuable tool to help avoid re-offending by young offenders. Significant numbers of those released on Supervised Release Orders have difficulty complying with those orders. The reasons for breaches and difficulties with compliance are many, but frequently the lack of control, both in daily activities and in home life are contributing factors. Although it is no doubt expensive, the Board urges the establishment of facilities to provide an environment which encourages compliance with Supervised Release Orders. If possible these should be in country areas as well as in the Perth Metropolitan area.

## **19. VICTIMS' REPRESENTATIVE**

It is understood that the legislation to enable the appointment of an additional member to the Board, specifically in the capacity of Victims' Representative, is to be passed during the second half of 2006. The additional appointment has been welcomed by Board Members.

## **20. 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 (now the Department of Corrective Services), 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 L A Jackson QC
Members	Ms G Prideaux
	Ms D Rayner
	Inspector P McDonald
	Ms N Bennett
	Ms R Pritchard
	Police Nominee nominates Alternate Member
	Ms D Henry
	Mr C Rewha
Secretary	Mr J Neighbour (to 22.8.2005)
	Ms A Smylie (from 23.8.2005)



## YEAR TO YEAR COMPARISON

	2003/04	2004/05	2005/06	Absolute Inc./Dec. on Prev. Year	Variation from Previous Year
<b>Board Workload:</b>					
Meetings	41	40	40		
Number of 'cases'	528	642	580	9.7% dec.	
<b>Applications before the Board for release</b>	287	333	271	18.6% dec.	
<b>Parental non-attendance S133(1)(c) YOA invoked</b>	120	139	106	23.7% dec.	2.6% dec.
<b>Total Applications for Release:</b>	288	338	274	19.0% dec.	
<b>Total Orders Made</b>	181	197	194		
Released by Board	180	192	191		
Released by Secretary	0	0	0		
Rescinded by Board	1	5	3		
<b>Denial of SRO:</b>	17	14	12	14.3% dec.	1.0% dec.
Offenders own request	13	6	8		
By the Board	4	8	4		
<b>Deferral of SRO:</b>	89	122	68	44.3% dec.	27.9% dec.
<b>Suspension/Cancellation SRO:</b>	77	86	60	30.3% dec.	13.3% dec.
By re-offending	17	18	22	22.2% inc.	2.2% inc.
By non-compliance	42	58	32	44.9% dec.	13.5% dec.
By re-offending/non-compliance	17	10	6	40.0% dec.	2.1% dec.
By automatic cancellation	0	0	0	0.0% inc/dec.	0.0% inc/dec.
Removed from Australia	0	0	0	0.0% inc/dec.	0.0% inc/dec.
Extradited from Australia	1	0	0	0.0% inc/dec.	0.0% inc/dec.
<b>Individual Offenders Considered by Board and Secretary:</b>	194	210	195	7.2% dec.	
Gender:					
Male	176	192	180		
Female	18	18	15		
<b>Aboriginality by Gender:</b>	143	163	150		
Male	126	147	136		
Female	17	16	14		

