



WESTERN AUSTRALIA

SUPERVISED RELEASE REVIEW BOARD

ANNUAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2007

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 2006 to 30 June 2007.

Supervised Release Review Board Membership

The following persons constituted the Supervised Release Review Board as at 30 June 2007.

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 – Victim Representative Member Ms N Bennett - Aboriginal Community Member Vacant – Community Member
Alternate Members:	Mr G Wajnstok – Alternate to Ms Rayner Insp. T Vidovich/Insp. A Albrecht/Insp. S Jancec – Alternates to Insp. McDonald Ms R Pritchard - Alternate to Ms G Prideaux Ms D Henry – Alternate to Ms N Bennett Vacant – Alternate to Community Member

The following persons also performed duties as members during part of the year in their capacity as Officers with the Western Australian Police Service – Insp. B Hawker and Insp. P Lavender and an Officer with the Department of Corrective Services – Mr C Rewha.

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; a nominee of the Commissioner of the Department of Corrective Services and one person with an understanding of victims' interests and concerns appointed by the Governor.

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 supervision and support following release from detention.

During the year 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 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 2006 to 30 June 2007, in 40 regular and 6 extraordinary meetings the Board dealt with a total of 626 cases in relation to 215 individual offenders. Of these offenders, 64 were reviewed once, 46 twice, 42 three times, 24 four times, 18 five times, 7 six times, 7 seven times, 1 eight times, 5 nine times and one fourteen times.

3. RELEASES

There were 339 applications for release on a Supervised Release Order of which 224(66.0%) were approved by the Board. One (0.5%) Order was subsequently rescinded by the Board, prior to release.

4. DENIALS

The Board denied 9(2.6%) of the applications for a Supervised Release Order. Of these 6(66.7%) were at the request of the offender and the remaining 3 applicants (33.3%) were considered unsuitable for release for poor institutional conduct (two) and no accommodation (one).

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 would prefer 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 105(30.9%) occasions, a decrease of 6.1% 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, and day programmes and information was required from the Department for Community Development); 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 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.

On 45 of the 105 occasions the Board deferred the granting of a Supervised Release Order mainly because of accommodation problems, although on some of the 45 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

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 Youth Support Officer. 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 223 Supervised Release Orders approved, 55(24.6%) were subsequently suspended and/or cancelled (36 being cancelled and 19 being suspended), 26(47.3%) of these were due to re-offending and conviction, 24(43.7%) due to non-compliance with the conditions of the Order and 5(9.0%) were due to both re-offending and non-compliance. Of the total of 223 Release Orders for 2006/2007 there was a 6.8% increase in suspensions/cancellations on a comparison with the same category for the previous year. Of these, there was a 0.1% decrease in suspensions/cancellations through re-offending from the previous year but non-compliance with conditions increased by 6.0%. In total there were 82 Supervised Release Orders cancelled and/or suspended of which 27 were for Orders made prior to the commencement of the 2006/2007 period.

8. SUPERVISED RELEASE ORDER - COMPLETIONS

During the 12 month period 103 Supervised Release Orders were successfully completed. There are presently 67 releasees on a Supervised Release Order.

9. GENDER/ABORIGINALITY

GENDER

The Board/Secretary considered the cases of 215 individual offenders of whom 13(6.1%) were female and 202(93.9%) male.

ABORIGINALITY

Of the total number of offenders considered by the Board 158(73.4%) were of Aboriginal descent of whom 13(8.2%) were female and 145(91.8%) male.

10. STATISTICS

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

For 2006/2007 there was an increase (of 1.1% from last year) in the number of cases coming before the Board.

There was an increase (3.1%) 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 338 applications for release who came before the Board during the 12 month period, 122(36.0%) 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 43 occasions, with 31 detainees who were Wards of the State in the care of the Department for Community Development. On 14 of those occasions the Ward was under consideration for a Supervised Release Order. Out of those 14 occasions, a Department for Community Development Officer was present at the Board's Meeting (or was available via telephone link up) on 9 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. YOUTH SUPPORT OFFICERS

The appointment of 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 Youth Support Officers is now fairly satisfactory in the Metropolitan area and in the larger regional centres, but there remain difficulties in obtaining Youth Support Officers in the smaller and more remote centres. Recruiting and retaining suitable Youth Support Officers is a significant issue in all centres.

13. DEPORTATION/REMOVAL OF DETAINEES

The Board has continued to be informed of progress with the *Release from Custody (Deportation or Removal) Bill 2005* 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 2 August 2006 Board Members visited the Caversham Project. The project is conducted at the Old Caversham School and engages disadvantaged youth (not only offenders) in building construction work. It differs from some other projects in that the work done results in permanent restoration and improvement of the old buildings. The Board felt very positive about this project. It mixed young offenders with other young people and the permanent nature of the work seemed to give them all some satisfaction.

On 25 August 2006, the Chairman and the Secretary attended the Juvenile Justice Senior Casework Supervisor's Conference and the Chairman addressed the conference.

17. VISITORS TO THE BOARD

The Board continues to encourage the practice of receiving visitors to its meetings. The Board has received visits from psychology and behavioural sciences students who were on practical placements within the Department. The Board also received visits from Department of Corrective Services Staff (Case Planning and Psychological Services Staff from Banksia Hill Detention Centre and Staff from the Intensive Supervision Programme); Department of the Attorney General Staff (State Review Board Secretariat Staff) and Staff from the Western Australian Police Service.

The Board also received visits from the Minister for Corrective Services and Staff; Mr Andrew Beck, A/General Manager and Ms Heather Harker, Deputy Commissioner, Community and Juvenile Justice.

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

The legislation to enable the appointment of an additional member to the Board, specifically in the capacity of Victims' Representative was enacted on 28 January 2007, whereby Ms Georgia Prideaux was appointed as the Member.

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 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
Members

His Honour L A Jackson QC

Ms G Prideaux

Ms D Rayner

Insp. P McDonald

Ms N Bennett

Secretary

Ms A Smylie

YEAR TO YEAR COMPARISON

	2004/05	2005/06	2006/07	Absolute Inc./Dec. on Prev. Year	Variation from Previous Year
Board Workload:					
Meetings	40	40	40		
Number of 'cases'	642	580	626	1.1% inc.	
Applications before the Board for release	333	271	338	1.2% inc.	
Parental non-attendance S133(1)(c) YOA invoked	139	106	122	1.1% inc.	3.1% inc.
Total Applications for Release:	338	274	339	1.2% inc.	
Total Orders Made	197	194	224		
Released by Board	192	191	223		
Released by Secretary	0	0	0		
Rescinded by Board	5	3	1		
Denial of SRO:	14	12	9	0.7% dec.	1.7% inc.
Offenders own request	6	8	6		
By the Board	8	4	3		
Deferral of SRO:	122	68	105	1.5% inc.	6.1% dec.
Suspension/Cancellation SRO:	86	60	55	0.9% dec.	6.8% inc.
By re-offending	18	22	26	1.1% inc.	0.1% dec.
By non-compliance	58	32	24	0.7% dec.	6.0% inc.
By re-offending/non-compliance	10	6	5	0.8% dec.	0.9% inc.
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.
Individual Offenders Considered by Board and Secretary:	210	195	215	1.1% inc.	
Gender:					
Male	192	180	202		
Female	18	15	13		
Aboriginality by Gender:	163	150	158		
Male	147	136	145		
Female	16	14	13		