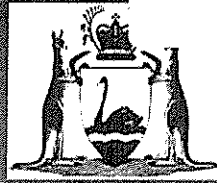


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WESTERN AUSTRALIA

SUPERVISED RELEASE REVIEW BOARD

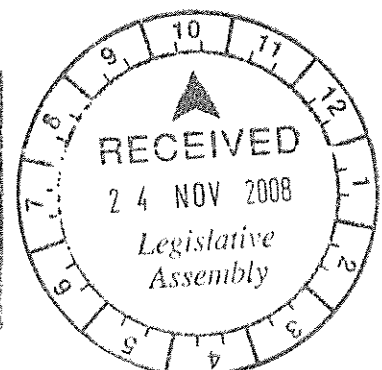
ANNUAL REPORT  
FOR THE YEAR ENDED 30TH JUNE 2008

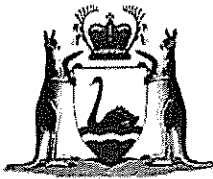
YOUNG OF

WESTERN AUSTRALIA  
Laid on the Table of the  
Legislative Assembly

25 NOV 2008

This paper should not be  
removed from the Chamber





## 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"*

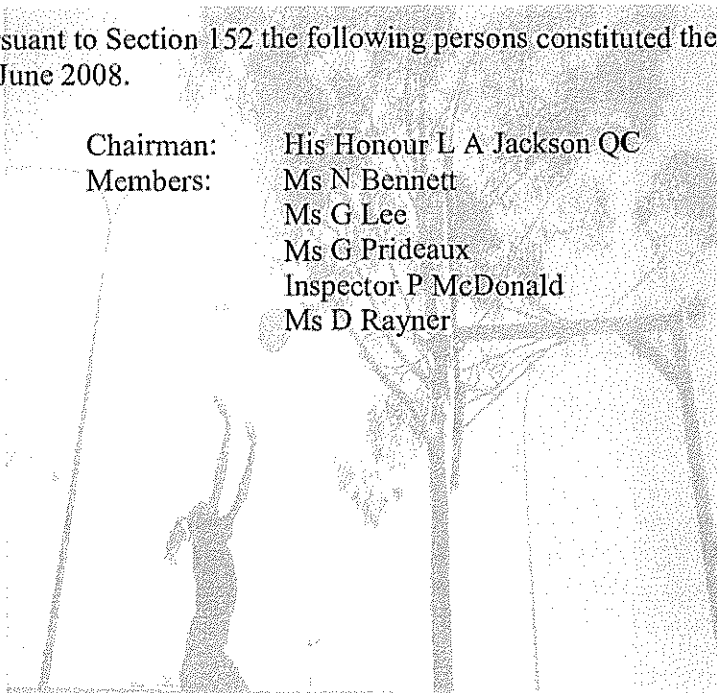
This report is submitted for your information and for general information and covers the period 1 July 2007 to 30 June 2008.

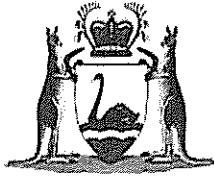
### MEMBERSHIP OF THE BOARD

Pursuant to Section 152 the following persons constituted the Supervised Release Review Board as at 30 June 2008.

Chairman: His Honour L A Jackson QC  
Members: Ms N Bennett  
Ms G Lee  
Ms G Prideaux  
Inspector P McDonald  
Ms D Rayner

Aboriginal Community Member  
Community Member  
Victim Representative Member  
Commissioner of Police Nominee  
Delegate of the Chief Executive Officer





Pursuant to Section 154 the following person are nominated as alternate members to the Board:

Mr G Wajnstok/Ms E Cosshall	Alternates to Ms Rayner
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

Pursuant to Section 151 a person is to be appointed as secretary to the Board  
Ms A Smylie Secretary

## 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 course of the year the workload of Juvenile Justice Officers, whose duty includes that of supervision and support, has been limited by reason of industrial issues. This has resulted in some young offenders not allocated a specific Juvenile Justice Officer. It is not, however, possible to say whether that has had any effect on compliance with Supervised Release Orders or has led to any increase in reoffending.



During the year the Board met at Banksia Hill Juvenile Detention Centre on 40 occasions (apart from 6 Special Meetings). The meetings generally commence 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 matters assigned to them, as well as files relating to all the other matters to be presented at the Meeting. In matters 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 administrative management of the Board falls under the cover of the State Review Boards Secretariat. Much of the daily support falls to the appointed secretary whose efficiency and commitment is appreciated.

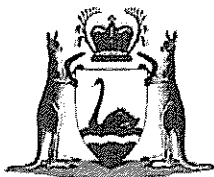
## **2. BOARD'S WORKLOAD**

During the period 1 July 2007 to 30 June 2008, in 40 regular and 6 special meetings the Board dealt with a total of 658 matters in relation to 247 individual offenders. Of these offenders, 85 were reviewed once, 44 twice, 50 three times, 32 four times, 19 five times, 10 six times, 4 seven times and 3 eight times.

## **3. RELEASES**

There were 333 applications for release on a Supervised Release Order of which 238 (71.0%) were approved by the Board. Three (1.0%) Orders were subsequently rescinded by the Board, prior to release.





#### 4. DENIALS

The Board denied 16 (5.0%) of the applications for a Supervised Release Order. Of these 14 (87.0%) were at the request of the offender and the remaining 2 applicants (13.0%) were considered unsuitable for release for poor prison conduct and no viable release plan (one) and poor conduct at Banksia Hill (one).

The precise reasons why a detainee may decline to seek a release order have not been the subject of a study. Anecdotal information suggests that refusal may be unwillingness by the detainee to be subject to supervision and obligations upon release into the community or may prefer to complete counselling in the detention setting. The detainee may believe 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.

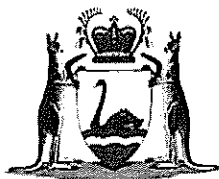
#### 5. DEFERRALS

The Board deferred the granting of a Supervised Release Order on 76 (23.0%) occasions. The majority of the deferrals were because the Board considered that aspects of the offender's release plan were unsuitable. Sometimes further information was required regarding accommodation and day programmes or information from the Department for Community Development. The offender may have been in need of further counselling and training to address aspects of their offending behaviour or improved conduct within the institution was required (including the outcome of Detention Centre charges). There were also occasions when the Board deferred matters subject to the outcome of court proceedings or bail being granted, where new release dates were applicable or where victim issues needed to be clarified.

On 16 of the 76 occasions the Board deferred the granting of a Supervised Release Order, accommodation problems were the primary reason. Other reasons contributing to the deferrals included an 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 DENIALS AND DEFERRALS

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. This requires them to report and reside as directed, undertake programs and obligations which may include testing for drug use, psychological and other counselling, medical or psychiatric treatment as well as under the guidance of a Youth Support Officer. The Board may defer the release of a detainee past their earliest eligibility date. Conditions 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. A deferral will shorten their period of



supervised release but, it is usually preferable for the detainee to return to the community, even for a short period under supervision 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 235 Supervised Release Orders approved during 2007/2008, 41 were cancelled and 30 suspended. 34 (48.0%) of these were due to re-offending and conviction, 31 (44.0%) due to non-compliance with the conditions of the Order and 6 (8.0%) were due to both re-offending and non-compliance. A further 37 Orders made prior to the commencement of the 2007/2008 period were also suspended or cancelled.

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

During the 12 month period 112 Supervised Release Orders were successfully completed. There are presently 55 releases on a Supervised Release Order.

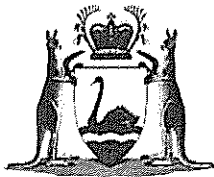
## **9. GENDER/ABORIGINALITY**

### **GENDER**

The Board considered 247 individual offenders of whom 18 (7.0%) were female and 229 (93.0%) male.

### **ABORIGINALITY**

Of the total number of offenders considered by the Board 179 (72.0%) were of Aboriginal descent. 16 (9.0%) were female and 163 (91.0%) male.



#### **10. 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 333 matters for release considered by the Board during the year, 104 (31.0%) no parent or responsible adult was present or available by telephone.

On 25 occasions the Board considered 7 detainees who were under the Care of the Chief Executive Officer of the Department for Child Protection. On 13 of the 14 occasions the ward was considered for a Supervised Release Order a Department for Community Development Officer was present (or was available via telephone link up), This was a significant improvement on last year.

The Department for Child Protection 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.

#### **11. YOUTH SUPPORT OFFICERS**

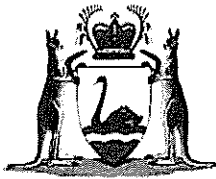
The appointment of Youth Support Officers to assist juveniles in complying with their release orders, and to provide a role model, has been successful. The funding and availability of Youth Support Officers in the Metropolitan area and larger regional centres has been satisfactory. The recruitment of Youth Support Officers in the smaller and more remote centres has proven difficult. The retention of Youth Support Officers is a significant issue in all centres.

#### **12. VISITORS TO THE BOARD**

The Board continues to encourage the practice of receiving visitors to its meetings.

Visits from social work students, Department of Corrective Services and, Department of the Attorney General Staff were ongoing throughout the year. The Acting Executive Director, (Metropolitan) of the Department for Child Protection also visited with and addressed the Board.

Every quarter the Manager, Case Planning at Banksia Hill Detention Centre has provided an update to Board Members on case planning issues. An Officer from Outcare addressed the Board on their services.



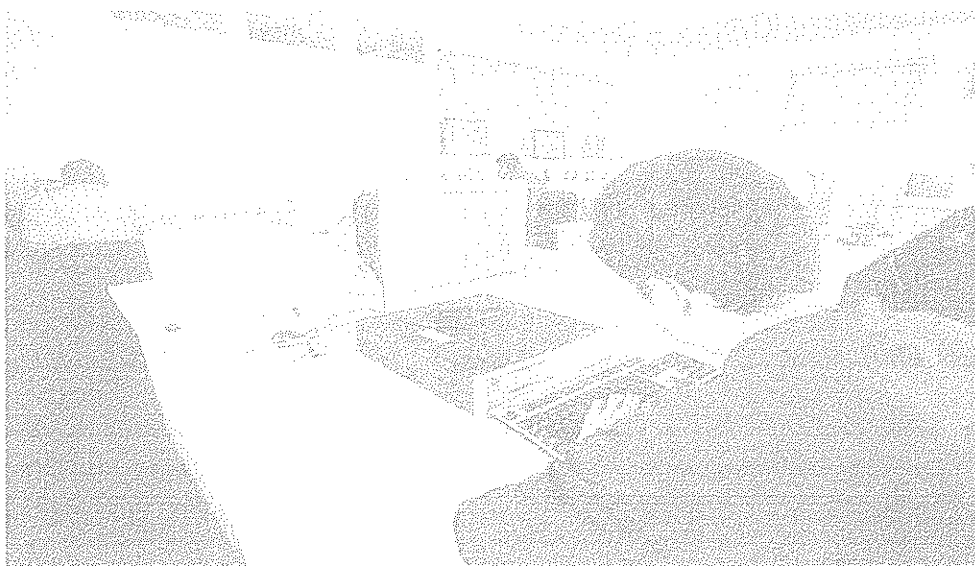
### 13 SUPERVISED ACCOMMODATION

The Board considers the provision of supported, (supervised or re-entry), accommodation to be a valuable tool in not re-offending. Breaches and difficulties with compliance are many, but lack of supervision is a contributing factor. The Board urges the establishment of supported accommodation which encourages compliance with Supervised Release Orders. in country and metropolitan area.

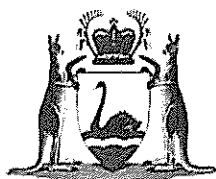
### 14 ACKNOWLEDGMENT

The Board once again wishes to acknowledge the assistance and co-operation of all those associated with the Board. In particular officers and staff of the Department of Corrective Services, Juvenile Justice Division and the Superintendent and staff of the Banksia Hill Detention Centre. Other government and non-government agencies, individuals voluntary workers involved with the preparation for release, treatment and supervision of young offenders.

Chairman	His Honour L A Jackson QC
Members	Ms N Bennett
	Ms G Lee
	Ms G Prideaux
	Insp. P McDonald
	Ms D Rayner
Secretary	Ms A Smylie







## YEAR TO YEAR COMPARISON

	2005/06	2006/07	2007/08
<b>Board Workload:</b>			
Meetings	53	46	46
Number of matters	580	626	658
<b>Applications before the Board for release</b>	271	338	333
<b>Parental non-attendance S133(1)(c) YOA invoked</b>	106	122	104
<b>Total Applications for Release:</b>	274	339	333
<b>Total Orders Made</b>	194	224	238
Released by Board	191	223	235
Released by Secretary	0	0	0
Rescinded by Board	3	1	3
<b>Denial of SRO:</b>	12	9	16
Offenders own request	8	6	14
By the Board	4	3	2
<b>Deferral of SRO:</b>	68	105	76
<b>Suspension/Cancellation SRO:</b>	60	55	71
By re-offending	22	26	34
By non-compliance	32	24	31
By re-offending/non-compliance	6	5	6
By automatic cancellation	0	0	0
Removed from Australia	0	0	0
Extradited from Australia	0	0	0
<b>Individual Offenders Considered by Board:</b>	195	215	247
<b>Gender:</b>			
Male	180	202	229
Female	15	13	18
<b>Aboriginality by Gender:</b>	150	158	179
Male	136	145	163
Female	14	13	16

