



WESTERN AUSTRALIA

SUPERVISED RELEASE REVIEW BOARD

**ANNUAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2009**

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 encompasses the period 1 July 2008 to 30 June 2009.

MEMBERSHIP OF THE BOARD

Pursuant to Section 152, the following persons constituted the Supervised Release Review Board as at 30 June 2009.

Chairman:	His Honour L A Jackson QC
Members:	Ms N Bennett – Aboriginal Community Member
	Ms G Lee – Community Member
	Ms G Prideaux – Victim Representative Member
	Inspector P McDonald – Commissioner of Police Nominee
	Ms D Rayner – Senior Casework Supervisor, Department of Corrective Services

Pursuant to Section 154, the following persons are nominated as Alternate Members to the Board.

Alternate Members:	Ms D Henry – Alternate to Ms Bennett
	Ms R Pritchard – Alternate to Ms Lee
	Ms H Sieg-Dos Santos – Alternate to Ms Prideaux
	Insp. A Albrecht/Insp. S Jancec – Alternates to Insp. McDonald
	Mr G Wajnstok - Alternate to Ms Rayner

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 that have been invited by the Minister to submit nominations; at least one person, appointed from a panel of persons nominated by community organisations that 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 Children's 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 nor whether this has led to any increase in re-offending.

During the year the Board met at Banksia Hill Juvenile Detention Centre on 40 occasions (apart from 8 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 viability of a release plan.

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, it is the Board's policy 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 of 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 2008 to 30 June 2009, the Supervised Release Review Board held 40 regular and 8 extraordinary meetings. The Board dealt with:

- a total of 667 matters;
 - (involving 253 individual offenders).
- 90 were reviewed once.
- 56 two times.
- 34 three times.
- 37 four times.
- 19 five times.
- 6 six times.
- 5 seven times.
- 5 eight times, and;
- one, nine times.

3. RELEASES

There were 369 applications for release on a Supervised Release Order of which:

- 262 were approved by the Board (71.5%).
- 3 orders were rescinded prior to release (0.8%).



4. DENIALS

The Board denied 22 of the applications for a Supervised Release Order (6.0%).

- 15 were at the request of the offender (68.0%).
- 7 applicants were considered unsuitable for release as follows (32.0%):
 - 2 for poor institutional conduct,
 - 2 for poor prior community supervision,
 - 2 were serving Imprisonment Sentences,
 - 1 for unaddressed offending behaviour.

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 their application will be deferred with conditions or will be denied by the Board. In these circumstances a detainee may prefer to remain in custody for the full period of the sentence.

5. DEFERRALS

On 82 occasions the Board deferred the granting of a Supervised Release Order (22.5%). The majority of the deferrals were because the Board required further information regarding accommodation, day programs or victims issues from:

- Juvenile Justice Officers.
- Department for Child Protection.
- Victim Offender Mediation Unit.

The offender may have been in need of:

- further counselling and training to address aspects of offending behaviour.
- improved conduct within the institution.

There were also occasions when the Board deferred matters subject to:

- outcome of court proceedings.
- bail being granted.
- awaiting the outcome of Prisoners Review Board decisions



6. BOARD'S POLICY ON DENIALS AND DEFFERALS

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 the young person to:

- report as directed.
- reside as directed.
- undertake programs.
- undergo testing for drug use.
- undertake psychological and other counselling,
- undertake medical or psychiatric treatment
- be under the guidance of a Youth Support Officer.

The Board may defer the release of a detainee past their earliest eligibility date. The Board may require:

- improved conduct in the detention centre.
- completion of, or progress in, programs (for example, for substance abuse or other counselling).
- psychological and/or psychiatric reports.
- improvement in the release plan, particularly with the arrangements for accommodation.

A deferral will shorten an offender's 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. When an offender is released at the end of their 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 259 Supervised Release Orders approved during 2008/2009:

- 49 were cancelled.
- 27 suspended.
 - 41 of these were due to re-offending and conviction (54.0%),
 - 24 due to non-compliance with the conditions of the Order (31.5%),
 - 11 due to both re-offending and non-compliance (14.5%).



8. SUPERVISED RELEASE ORDER - COMPLETIONS

During the 12 month period 123 Supervised Release Orders were successfully completed. There are presently 45 releasees on a Supervised Release Order.

9. GENDER/ABORIGINALITY

GENDER

The Board/Secretary considered 253 individual offenders of whom 19 (7.5%) were female and 234 (92.5%) male.

ABORIGINALITY

Of the total number of offenders considered by the Board, 184 (72.7%) were of Aboriginal descent of whom 16 (8.6%) were female and 168 (91.4%) male.

10. REMANDS IN CUSTODY

The Board would encourage an alternative to young offenders being remanded in custody. The primary focus of the Banksia Hill Detention Centre is programs to address offending behaviour. These programs cannot be delivered before conviction. When a young offender is remanded in custody and the sentence is backdated, this limits the time for intervention programs. The Board would therefore encourage the provision of Bail Hostels or other supported accommodation options.

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 369 matters for release considered by the Board during the year, 73 (19.7%) had no parent or responsible adult present or available by telephone.

On 20 occasions, the Board considered 6 detainees who were under the Care of the Chief Executive Officer of the Department for Child Protection. On the 6 occasions when the detainee was being considered for a Supervised Release Order, a Department for Child Protection Officer was present on all occasions.

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.



12 YOUTH SUPPORT OFFICERS

The appointment of Youth Support Officers to assist juveniles has been a successful measure. The Youth Support Officers assist juveniles to comply with their Release Orders, and provide a role model. 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 VISITORS TO THE BOARD

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

Throughout the year the Board received visits from Social Work Students, Department of Corrective Services and Department of the Attorney General Staff.

Every quarter the Manager, Case Planning at Banksia Hill Detention Centre has provided an update to Board Members on case planning issues.

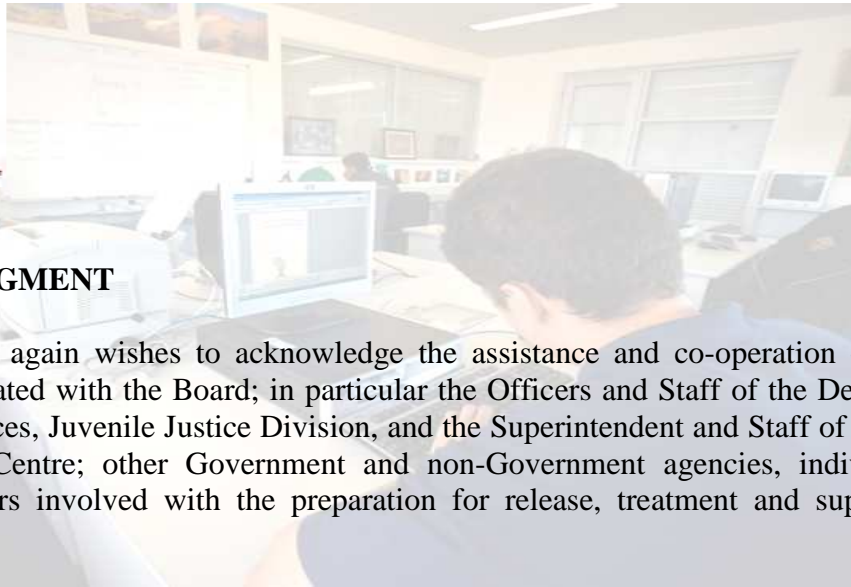
On 24 June 2009 the Board welcomed the attendance of the Minister for Corrective Services at its meeting.

14 VISITS BY THE BOARD

On 21 August 2008 the Chairman and Secretary attended the Belmont Corrective Services Office and addressed a large gathering of Juvenile Justice Officers and Intensive Supervision Program Staff from the Belmont and Mount Lawley Corrective Services Offices.

On 14 November 2008 the Chairman and Secretary attended and addressed a Conference of Senior Juvenile Justice Officers.

On 28 November 2008 the Chairman and Secretary visited and addressed the Midwest Gascoyne Youth Justice Services in Geraldton. These services provide an integrated facility aimed at early intensive intervention for offenders and potential offenders. The Board is most impressed by the concept which has great potential to address juvenile crime.



15 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, and the Superintendent and Staff of the Banksia Hill Detention Centre; other Government and non-Government agencies, individuals and 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

2006/07 2007/08 2008/09

Board Workload:

Meetings	46	46	48
Number of 'cases'	626	658	667

Applications before the Board for release

338 333 369

Parental non-attendance S133(1)(c) YOA invoked

122 104 73

Total Applications for Release: 339 333 366

Total Orders Made 224 238 262

Released by Board 223 235 259

Released by Secretary 0 0 0

Rescinded by Board 1 3 3

Denial of SRO: 9 16 22

Offenders own request 6 14 15

By the Board 3 2 7

Deferral of SRO: 105 76 82

Suspension/Cancellation SRO: 55 71 76

By re-offending 26 34 41

By non-compliance 24 31 24

By re-offending/non-compliance 5 6 11

Individual Offenders Considered by Board and Secretary:

215 247 253

Gender:

Male 202 229 234

Female 13 18 19

Aboriginality by Gender: 158 179 184

Male 145 163 168

Female 13 16 16