



**WESTERN AUSTRALIA**

**SUPERVISED RELEASE REVIEW BOARD**

**ANNUAL REPORT  
FOR THE YEAR ENDED 30TH JUNE 2010**

**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 2009 to 30 June 2010.

### **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
	Senior Sergeant G Radice – Commissioner of Police Nominee
	Mr B McMerrin – Director Juvenile Custodial Services, 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
	Mr S Barr – Alternate to Ms Prideaux
	Insp. A Albrecht, Insp. S Jancec & Senior Sergeant D Grant – Alternates to Senior Sergeant Radice
	Mr A Salter & Mr E Cecchini - Alternate to Mr McMerrin

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 year the Board met at Banksia Hill Juvenile Detention Centre on 40 occasions (apart from 1 Special Meeting), 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 Youth 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.

Although the administrative management of the Board falls under the cover of the State Review Boards Secretariat, most of the daily support falls to the appointed Secretary whose efficiency and commitment is appreciated.

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

During the period 1 July 2009 to 30 June 2010, the Supervised Release Review Board held 40 regular and 1 extraordinary meetings. The Board dealt with:

- a total of 592 matters;
  - (involving 240 individual offenders).
- 81 were reviewed once.
- 54 twice.
- 45 three times.
- 34 four times.
- 14 five times.
- 7 six times.
- 3 seven times.
- 1 eight times, and;
- 1, nine times.

## **3. RELEASES**

There were 333 applications for release on a Supervised Release Order of which:

- 253 were approved by the Board (76%).

## **4. DENIALS**

The Board denied 1 application for a Supervised Release Order (1.0%).

- 12 were at the request of the offender (4.5%).
- 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 his or her 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 62 occasions the Board deferred the granting of a Supervised Release Order (18.6%). The majority of the deferrals were because the Board required further information regarding accommodation, day programs or victims issues from:

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

The offender may have been in need of:

- further counselling and/or training to address aspects of offending behaviour.
- demonstrating 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.

And may require the young person to:

- undertake programs,
- undergo testing for drug use,
- undertake psychological and other counselling,
- undertake medical, psychological or psychiatric treatment,
- be under the guidance of a Youth Support Officer,
- comply with curfew conditions,
- avoid contact with victims or otherwise comply with protective conditions,



- not to associate with co-offenders.

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 a young 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 a young 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 253 Supervised Release Orders approved during 2009/2010:

- 48 were cancelled.
- 41 suspended.
  - 59 of these were due to re-offending and conviction (66.3%),
  - 20 due to non-compliance with the conditions of the Order (22.5%),
  - 10 due to both re-offending and non-compliance (11.2%).

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

During the 12 month period, 96 Supervised Release Orders were successfully completed or had special conditions removed from their release order prior to their expiry date. There are presently 83 young offenders who are on a Supervised Release Order.

## **9. GENDER AND ABORIGINALITY**

### **GENDER**

The Board considered 240 individual offenders of whom 13 (5.5%) were female and 227 (94.5%) male.

### **ABORIGINALITY**

Of the total number of offenders considered by the Board, 182 (76.5%) were of Aboriginal descent of whom 11 (6%) were female and 171 (94%) male.



#### **10. REMANDS IN CUSTODY**

The Board would encourage an alternative to young person who offends 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 person who offends 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 333 matters for release considered by the Board during the year, 77 (23.2%) had no parent or responsible adult present to attend, nor were they available by telephone.

#### **12. YOUTH SUPPORT OFFICERS**

The appointment of Youth Support Officers to assist juvenile offenders 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, specially Aboriginal 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, The Hon C. Christian Porter MLA, Attorney General, 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.



#### **14 VISITS BY THE BOARD**

On 15 September 2009, the Board visited the HALO programme. HALO is a non-profit incorporated career and personal leadership development agency advancing Hopes, Aspirations and Leadership Opportunities. The agency listens to the needs of young people providing advocacy, programmes, peer mentoring and networking opportunities that enable individuals to discover who they are, design their own futures and make a difference in their communities. The Board was most impressed with the opportunities offered to young offenders to strengthen their own personal capacity and develop a sense of belonging.

On 16 November 2009, the Chairman and Secretary attended an Intensive Supervision Programme Conference at St Catherine's College.





## 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, intervention and supervision of young offenders.

Chairman

His Honour L A Jackson QC

Members

Ms N Bennett

Ms G Lee

Ms G Prideaux

Senior Sergeant G Radice

Mr B McMerrin

Secretary

Ms A Smylie



## YEAR TO YEAR COMPARISON

	2006-07	2007-08	2008-09	2009-10
<b>Board Workload:</b>				
Meetings	46	46	48	49
Number of 'cases'	626	658	667	592
<b>Applications before the Board for release</b>	<b>338</b>	<b>333</b>	<b>369</b>	<b>333</b>
<b>Parental non-attendance S133(1)(c) YOA invoked</b>	<b>122</b>	<b>104</b>	<b>73</b>	<b>77</b>
<b>Total Applications for Release</b>	<b>339</b>	<b>333</b>	<b>366</b>	<b>333</b>
<b>Total Orders Made</b>	<b>224</b>	<b>238</b>	<b>262</b>	<b>253</b>
Released by Board	223	235	259	253
Released by Secretary	0	0	0	0
Rescinded by Board	1	3	3	0
<b>Denial of SRO</b>	<b>9</b>	<b>16</b>	<b>22</b>	<b>13</b>
Offenders own request	6	14	15	12
By the Board	3	2	7	1
<b>Deferral of SRO</b>	<b>105</b>	<b>76</b>	<b>82</b>	<b>62</b>
<b>Suspension/Cancellation SRO</b>	<b>55</b>	<b>71</b>	<b>76</b>	<b>89</b>
By re-offending	26	34	41	59
By non compliance	24	31	24	20
By re-offending/non compliance	5	6	11	10
<b>Individual Offenders considered by Board and Secretary</b>	<b>215</b>	<b>247</b>	<b>253</b>	<b>240</b>
<b>GENDER</b>				
Male	202	229	234	227
Female	13	18	19	13
<b>Aboriginality by Gender</b>	<b>158</b>	<b>179</b>	<b>184</b>	<b>182</b>
Male	145	163	168	171
Female	13	16	16	11