



WESTERN AUSTRALIA

SUPERVISED RELEASE REVIEW BOARD

**ANNUAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2012**

YOUNG OFFENDERS ACT 1994

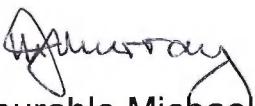


SUPERVISED RELEASE REVIEW BOARD

ANNUAL REPORT - 2011/2012

TO: The Hon. Minister for Corrective Services

I present to you the Annual Report of the Supervised Release Review Board for the year ending on 30 June 2012, pursuant to section 165 of the *Young Offenders Act 1994 (Western Australia)*.


The Honourable Michael J Murray QC
Chairman



BANKSIA HILL: NEW FEMALE FACILITIES



THE COMPOSITION OF THE BOARD

The Supervised Release Review Board (the Board) is established by the *Young Offenders Act 1994 (Western Australia)*. Under its Chairman, it is comprised of five Members:-

1. The nominee of the Chief Executive Officer of the Department of Corrective Services;
2. A person, experienced in handling young persons, to represent the community's interest;
3. A person, experienced in handling young persons, to represent victims' interests;
4. An Indigenous person, to represent the interests of the Aboriginal community; and
5. The nominee of the Commissioner of Police.

Each member of the Board has an alternate member who may be called upon to sit when the member is unavailable. The Board is served by a Secretary, who has certain statutory responsibilities of an adjudicative nature. The Secretary is a senior public servant. Three members of the Board constitute a quorum at a meeting. The Board may determine its own procedure, but the Chairman is to decide all matters of law.

For the 2011/2012 year, the members of the Board were:-

1. Chairman – His Honour L A Jackson QC - until his retirement on 31 December 2011, and thereafter, the Honourable M J Murray QC;
2. Mr. A Salter - Director (South), Community and Youth Justice Division, Department of Corrective Services;
3. Community representative - Ms G Lee;
4. Victims' representative - Ms G Cera;
5. Aboriginal community member - Mr A Garlett, and
6. Police member – Sgt. T Richmond.



The Secretary to the Board was Ms A Smylie. Without her knowledge and dedicated service the Board simply could not perform its statutory duties. The decisions of the Board are firmly evidence based and it is Ms Smylie who has the responsibility of gathering that material to inform the Board of the matters relevant to the decision of the applications which come before it. She has our grateful thanks for her work.

A VOTE OF THANKS

I add my thanks to the Members of the Board and, when they are required to sit, their Alternates. They are all people of the highest calibre who, uncomplainingly, spend hours informing themselves about 14 or 15 cases a week, so that they may make a meaningful contribution to the decision-making process, in relation to the young persons whose cases come before the Board.

Finally, in this regard, I record my gratitude for the dedicated work done by:-

- The staff of the Banksia Hill Detention Centre,
- the Youth Justice Officers,
- the Officers of the Department for Child Protection,
- Youth Education Workers and Education and Training Providers,
- Psychologists (and, on occasion, Psychiatrists),
- those who try to remedy the effects of alcohol, drug abuse and the misuse of solvents, and not least,
- those who act as mentors and supporters, particularly for young Indigenous offenders.

Their efforts are essential if young offenders in detention are to be assisted to make a successful transition back into the community.



BANKSIA HILL: NEW ADMINISTRATION CENTRE



THE WORK OF THE BOARD

The Board has the task to manage the return into the community, under the supervision of the Youth Justice Division of the Department of Corrective Services, of those young offenders who have been sentenced for serious or repetitive offending to terms of imprisonment, to be served in a prison, or detention, to be served in a detention centre - the sentence of last resort.

When they have served the minimum period before they become eligible for supervised release, they may apply to the Board for a Supervised Release Order.

The Board must decide:-

- if the Order should be made,
- when it should be made,
- the agenda to be provided for the young person, and
- the conditions to be imposed.

The young person must have the terms of the Order which it is proposed should be made, explained to him or her in language which they can understand, and they must agree to abide by those terms before the Order can be made. When made, the Order will generally expire upon the expiry of the term of detention.

The aim of the law and the Board, is to release young offenders into the community under the terms of orders which are best calculated to achieve their rehabilitation. The Board believes that no young offender is beyond redemption and that the best guarantee of the safety of the community lies in their rehabilitation. Remedial programs are undertaken in the Detention Centre and the work is continued in the community. If the Order is breached, by re-offending or otherwise, the offender will generally be returned to custody and the process commences again.



The terms and conditions which are always, or which are generally provided in a Supervised Release Order, will include:-

- an undertaking not to commit any offence and to be of good behaviour;
- a requirement to be under the supervision of, and to follow the directions of, a Youth Justice Officer;
- the appointment of a Youth Support Officer or other mentor, including an elder of an Aboriginal community;
- the obligation to reside in supportive, stable accommodation of an appropriate kind;
- where appropriate, a curfew and/or other condition not to go to particular places or associate with particular people;
- a condition protective of the interests of victims;
- an agenda of participation in educational, vocational and recreational programs;
- psychological, psychiatric and/or other medical treatment and/or counselling; and
- treatment for the abuse of alcohol, illicit drugs and solvents, monitored, where appropriate, by random urinalysis or other testing.

SOME DIFFICULTIES

I do not here wish to refer to the difficult nature of the work of the Board, or the frustration attendant upon the failure of a carefully crafted release program, but I should mention some particular matters which seem to me to need a remedy.

They include:-

1. Terms of detention are necessarily short and made shorter by back-dating sentences, when there has been a period served in custody on remand, because bail has been refused, breached or could not be taken up;



2. Remedial programs are generally not undertaken during periods on remand, before conviction;
3. Remedial programs are sometimes unavailable in the community because of limited funding provided to the governmental or non-governmental agencies who are the providers;
4. There are often insufficient places, or the program is simply not available at the time and the place where it is needed;
5. Appropriate, supported public accommodation is often not available without a long waiting list. The Department for Child Protection seems to face substantial demands for accommodation of this type;
6. Sometimes the result is that a child cannot be released from detention because there is literally nowhere for him/her to go, except to accommodation which exposes him/her to danger; and
7. Because of the short periods of time involved, there is a limited capacity for the Board to defer the release of an offender and still frame a sensible Supervised Release Order. The result may be that supervised release is denied without fault on the part of the young offender.

However short may be the period of supervised release, the Board aims to establish a law-abiding, fulfilling and productive way of life for the young person which may be pursued voluntarily after the expiry of the Order.

THE PROCESS OF DECISION-MAKING

The Board does not sit in divisions. It meets every week (ordinarily) on Wednesday. It sits at the Banksia Hill Detention Centre to facilitate access to the young offenders, whether male or female.



I propose to organise travel by the Board periodically to regional centres (for example, Kununurra, Broome, Port Hedland, Geraldton, Kalgoorlie, Bunbury and Albany). The purpose of so doing is to better inform board members of the services available in those centres and to better inform people at work in those places of the needs of the Board.

There are proposals under consideration for the Board's records, which must be copied to each board member, to be maintained substantially in electronic form. Subject to the capacity to preserve the confidentiality of the records, the proposals are supported. They would improve the portability of the material for use at Board meetings.

The Meetings are attended (in person or by telephone link-up) by the relevant Youth Justice Officer, one or more adults having responsibility for the young person, and any other person involved in the case, wherever possible. But, where necessary, the Board can act in the absence of such persons.



STATISTICAL INFORMATION

1. In the year to 30 June 2012 the Board held 40 regular and 5 extraordinary meetings.
2. The Board dealt with 702 matters, involving 277 individuals, about a third of whose cases were considered only once, but many were dealt with more than once.
3. There were 380 applications for supervised release.
4. 303 (80%) were approved, 62 (16%) were deferred for various reasons, and 15 (4%) were denied, usually because the consent of the young offender was refused.
5. Of the 303 Supervised Release Orders, 47 were cancelled and 37 were suspended, a total of 84 (28%), because they were breached by re-offending, by non-compliance with conditions of the Order, or both.
6. 139 (46%) were successfully completed, and at the end of the year 65 Orders remained currently in force.
7. Of the 277 offenders dealt with, 252 (91%) were males and 25 (9%) were females.
8. 192 of the offenders dealt with were Indigenous persons (69%).
9. Of these offenders, 171 (89%) were males and 21 (11%) were females.
10. Of the 380 applications for supervised release it was not possible to have a responsible adult present in person or by phone link-up in 95 (25%) cases.



YEAR TO YEAR COMPARISON

	2008-09	2009-10	2010-11	2011-12
Board Workload:				
Meetings	48	49	50	45
Number of 'cases'	667	592	621	702
Applications before the Board for release	369	333	362	380
Parental non-attendance S133(1)(c) YOA invoked	73	77	66	95
Total Applications for Release	366	333	362	380
Total Orders Made	262	253	289	303
Released by Board	259	253	285	303
Released by Secretary	0	0	1	0
Rescinded by Board	3	0	3	0
Denial of SRO	22	13	11	15
Offenders own request	15	12	10	11
By the Board	7	1	1	4
Deferral of SRO	82	62	59	62
Suspension/Cancellation SRO	76	89	56	84
By re-offending	41	59	29	26
By non compliance	24	20	12	38
By re-offending/non compliance	11	10	14	19
Own request	0	0	1	1
Individual Offenders considered by Board and Secretary	253	240	266	277
Gender				
Male	234	227	253	252
Female	19	13	13	25
Aboriginality by Gender	184	182	195	192
Male	168	171	182	171
Female	16	11	13	21