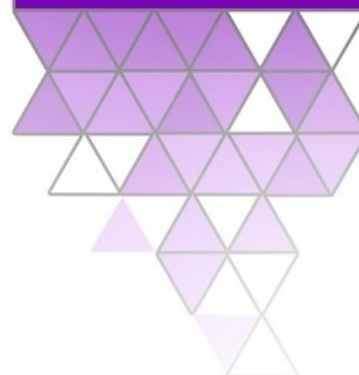
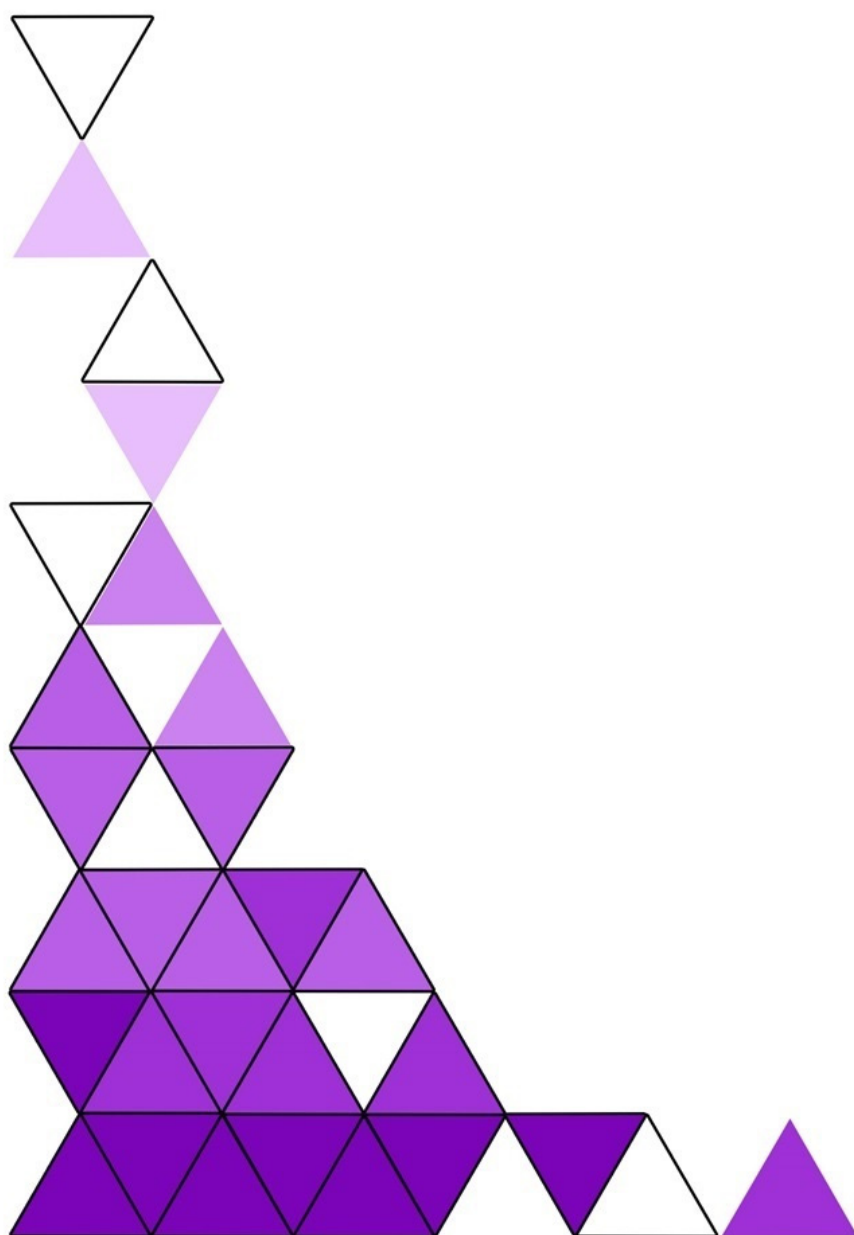
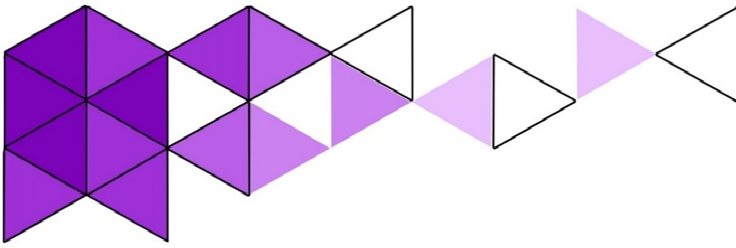




SUPERVISED  
RELEASE  
REVIEW  
BOARD

ANNUAL  
REPORT  
2021/22





# FOREWORD

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## **THE HON. BILL JOHNSTON MLA THE MINISTER FOR CORRECTIVE SERVICES**

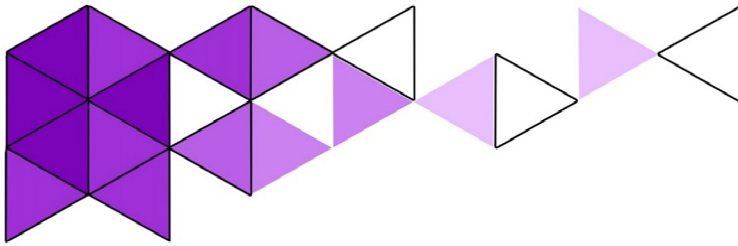
To the Minister for Corrective Services,  
The Hon. Bill Johnston, MLA

I present to you, the Annual Report of the Supervised Release Review Board (the Board) for the year ending on 30 June 2022, pursuant to section 165 of the *Young Offenders Act 1994* (WA) (the Act). I note that the Report is not only to record the operations of the Board but must also deal with the operation of the Act so far as it relates to the work of the Board.

A handwritten signature in blue ink, appearing to read 'Kevin Sleight', with a stylized flourish at the end.

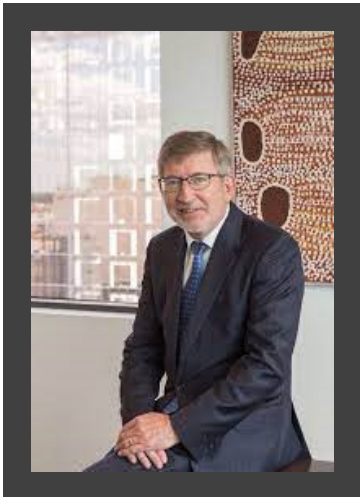
His Honour Mr Kevin Sleight  
Chairperson

20 September 2022



# CHAIRPERSON'S OVERVIEW

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I was appointed to the position of Chairperson of the Supervised Release Review Board (the Board) on 29 April 2022, replacing His Honour Allan Fenbury who retired on 28 April 2022.

Any young person sentenced under the *Young Offenders Act 1994* (WA) to a term of detention must serve a minimum period before he or she becomes eligible for release back into the community under a Supervised Release Order made by the Board. A Supervised Release Order is subject to a set of conditions which include that the young offender is not to commit offences and is to be of good behaviour. A Supervised Release Order also includes a release plan approved by the Board which usually includes such conditions as place of residence, a curfew, educational/vocational and recreational programmes, regular drug testing, psychological and other forms of counselling as directed, the appointment of a youth mentor, a requirement not to contact directly or indirectly victims of offences and a requirement not to associate with any known co-offenders.

In deciding whether to make a Supervised Release Order, the Board is bound by a set of general principles of juvenile justice contained in the *Young Offenders Act 1994* (WA). These general principles require the Board, when considering to release a young offender back into the community to take into account that the community must be protected from illegal behaviour. However, the Board is also required to treat differently young people compared with an adult offender, with an emphasis on rehabilitation. Any term of detention for a young person is to be for as short a time as is necessary.

The Board in its deliberations is very conscious of a number of factors:

- In 2018 the Telethon Kids Institute research team found that 89% of children detained at Banksia Hill Detention Centre had some form of severe neurodevelopmental impairment, with 36% found to have Fetal Alcohol Spectrum Disorder. There is no reason to think these percentages have changed.
- The vast majority of young people held in custody have suffered from parental neglect, and an exposure from a young age to substance abuse and violence.
- Many of the young people in detention suffer from cognitive deficits with very low IQs.
- Many of the young people in detention suffer acute psychological issues and have a history of attempted suicide, suicidal ideation and self-harm.
- The Banksia Hill Detention Centre is the only permanent detention centre in Western Australia serving the vast area of Western Australia. This means that young people who live in remote areas

if given a term of detention suffer a substantial displacement from their family and, in the case of indigenous children, their culture and their country.

- Due to staff shortages during the reporting period, young persons detained at Banksia Hill Detention Centre have been confined in cells in circumstances equivalent to solitary confinement for extended periods of time. The details of this are well described in a recent decision of Justice Tottle in the matter of *VYZ by his next friend XYZ v Chief Executive Officer of the Department of Justice* [2022] WASC 274. How this impacts on the behaviour of children in custody is well described in the evidence VYZ as detailed in the decision of Justice Tottle.
- Due to staff shortages and other operational issues at Banksia Hill Detention Centre, many of the rehabilitation programmes that are normally available to detainees have not been available during the reporting period.
- The young persons detained at Banksia Hill Detention Centre are the worst offenders that appear before the Children's Court. Generally, the safety of the community is best served by such young persons serving a part of their sentence under strict supervision back in the community under a Supervised Release Order. This is preferable to the alternative of completing their sentence fully in detention and being released back into the community without any supervision.

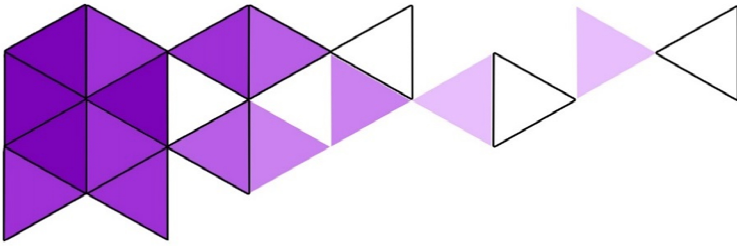
As Chairperson of the Board, I have written to the Minister of Corrective Services requesting a complete review of the method of detention of young persons in this State. I believe an appropriate starting point is an examination of how other countries deal with serious juvenile offenders to ascertain what might be the world's best practice.

I would like to conclude by thanking the members of the Board, the support staff provided by the Department of Justice and the managers and staff of the Youth Justice Service (which provides essential support to the functions of the Board). I would also like to thank the many agencies that provide support to children held in detention and when released, including the staff at Banksia Hill Detention Centre.



His Honour Mr Kevin Sleight  
Chairperson

20 September 2022



# THE COMPOSITION OF THE BOARD

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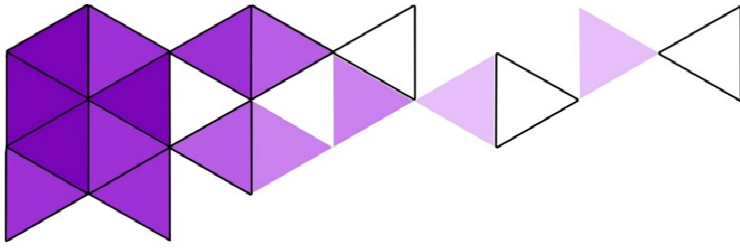
For the 2021-2022 year, the membership of the Board comprised of:

- the Chairperson;
- a Victims' representative;
- a Community representative;
- an Aboriginal community representative;
- the Chief Executive Officer's nominees;
- the Commissioner of Police nominees; and
- Alternates to the Victim's, Community and Aboriginal community representatives.

I offer my thanks for the dedicated work done by:

- the staff of the Banksia Hill Detention Centre;
- the Youth Justice Officers (YJO) and managers in the Youth Justice Services (YJS) agencies;
- the Officers of the Department of Communities (Child Protection and Family Support) (CPFS);
- the Youth Education Workers and the Education and Training Providers;
- the Psychologists (and, on occasion, Psychiatrists), both at Banksia Hill Detention Centre and in the community;
- the Officers of the Victim-offender Mediation Unit;
- those in Non-Governmental Organisations who try to remedy the effects of disadvantage, alcohol, drug use and the misuse of solvents; and
- those, such as the people who work with the Wirrpanda Foundation, As One Nyitting, Outcare and Hope Services who act as trainers, mentors and supporters, particularly for young Aboriginal offenders.

I would also again, like to convey my personal thanks to the wonderful support staff who are provided by the Department of Justice and the Board Members, in particular for their conduct during the current COVID-19 pandemic and associated restrictions.



# THE WORK OF THE BOARD

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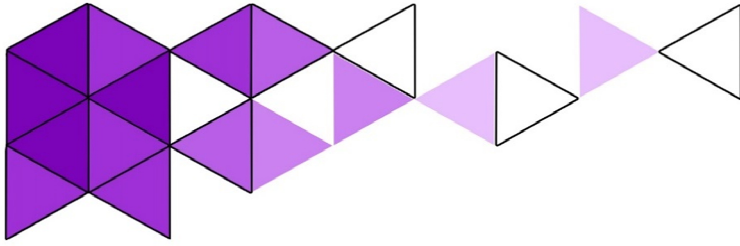
The Board is tasked with managing the return of detained young offenders to the community. These are young offenders who have been sentenced for serious or repetitive offending to terms of detention or in some circumstances, imprisonment. They are released back into the community under the supervision of YJS.

The Board meets, on average, weekly at the Banksia Hill Detention Centre to facilitate access to the young offenders, whether male or female. When granting or denying release, the young offender appears before the Board in person.

The Act seeks to involve a representative of the adults responsible in law for the young offender, in the process, by requiring the order to be made in the presence, whenever possible, of a parent, guardian, Child Protection Officer, or any other person responsible for the day to day care of the young person.

The meetings are attended (in person or by telephone link-up) by the relevant YJO, one or more adults having responsibility for the young person, and any other person involved in the case, wherever possible. When the young offender is present, he or she is carefully addressed in simple language they can understand.

Regrettably this year, as previously, attendance of parent(s), guardian(s), or other responsible adults often does not or cannot occur. In many instances this is an issue in resources. Banksia Hill Detention Centre is located at Canning Vale; meetings commence at 8.30am; some supporters have transport or other familial issues and either decide not to attend or suffer delays and arrive too late. Other familial issues I refer to include parental dysfunction, family breakdown, substance abuse or sometimes alienation.



# STATISTICAL INFORMATION

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1. In the year to 30 June 2022, the Board held a total of 58 meetings consisting of 45 sittings of the full Board and 13 sittings by the Secretary.
2. The Board dealt with 327 cases involving 130 individuals.
3. There were 160 applications for supervised release.
4. 142 (89%) were approved and 18 (11%) were denied.
5. In the year to 30 June 2022, a total of 73 Supervised Release Orders were cancelled due to re-offending and/or non-compliance. A number of the young offenders involved would, however, ultimately complete the period of supervised release in the community.
6. Of the 130 offenders dealt with, 114 (88%) were males and 16 (12%) were females.
7. 84 (65%) of the offenders dealt with were Aboriginal persons.
8. Of the Aboriginal persons, 71 (85%) were males and 13 (15%) were females.
9. Of the 160 applications for supervised release it was not possible to have a responsible adult present in person or by phone link-up in 46 (29%) of cases.

## **BOARD REMUNERATION**

Information relating to the remuneration of Board Members this year is contained with the Annual Report of the Department of Justice. The Department of Justice provides administrative support to the Board and is responsible for remunerating Board Members where such payment is incurred.