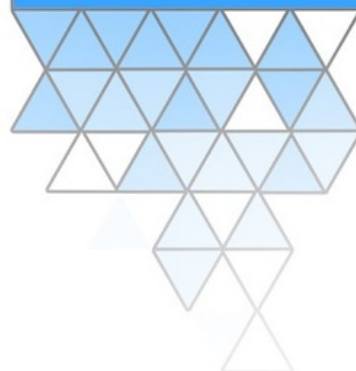
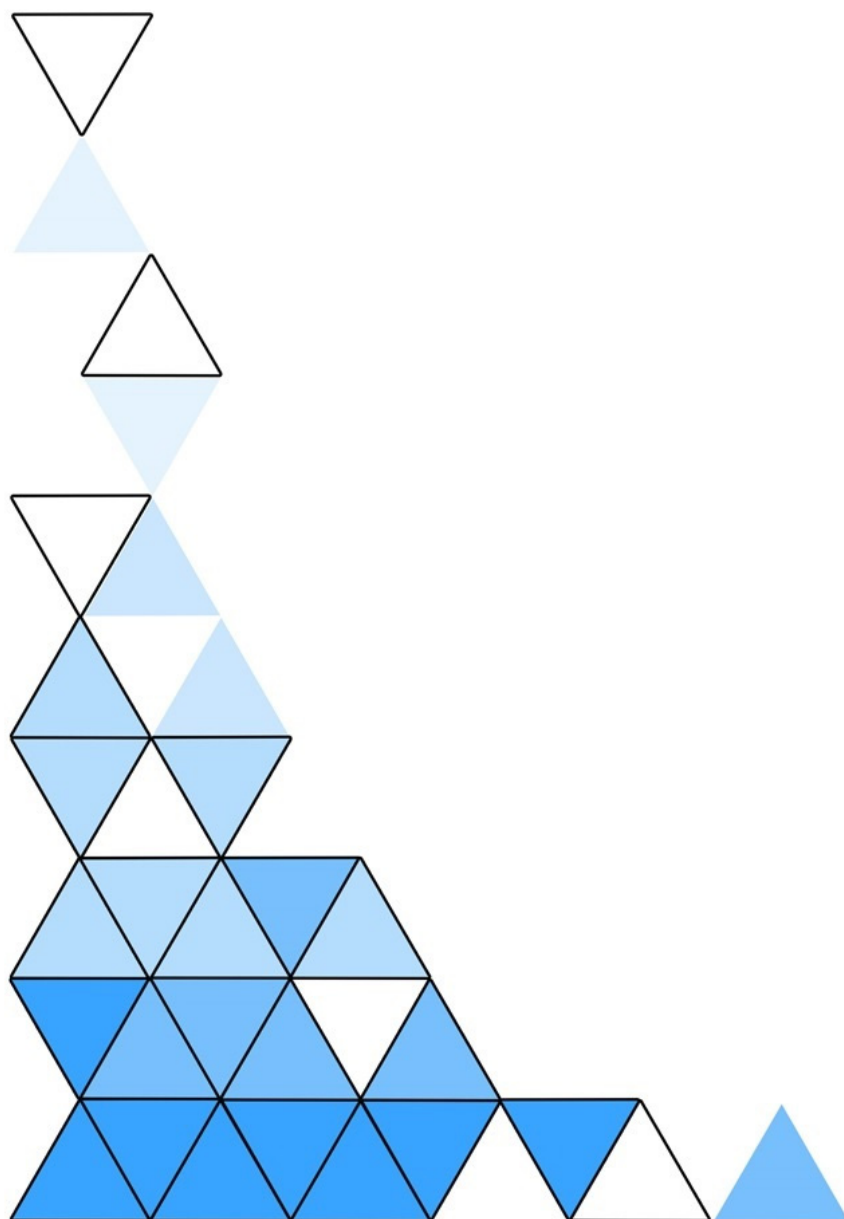
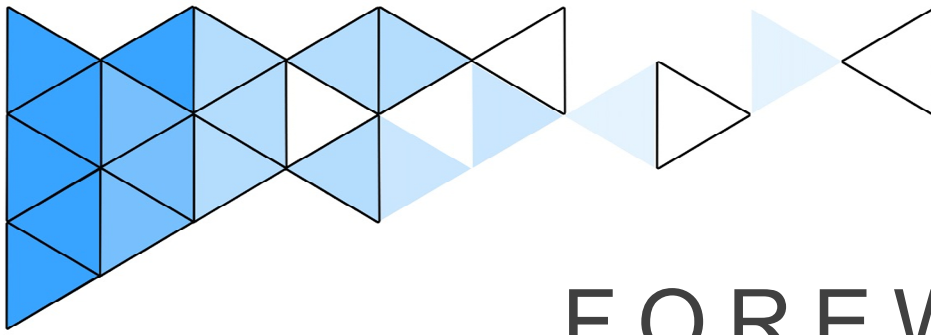




PRISONERS  
REVIEW  
BOARD

ANNUAL  
REPORT  
2021/22





# FOREWORD

**THE HON. JOHN ROBERT QUIGLEY LLB JP MLA**  
**ATTORNEY GENERAL**

To the Attorney General,  
The Hon. John Robert Quigley LLB JP MLA

In accordance with section 112 of the *Sentence Administration Act 2003* (WA), I present to you the Annual Report of the Prisoners Review Board for the year ending 30 June 2022.

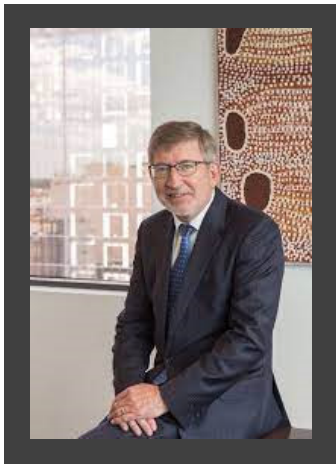
A handwritten signature in blue ink, appearing to read "K. Sleight".

His Honour Mr Kevin Sleight  
Chairperson  
Prisoners Review Board

20 September 2022

# CHAIRPERSON'S OVERVIEW

## INTRODUCTION



I was appointed to the position of Chairperson of the Prisoners Review Board (the Board) on 29 April 2022, replacing His Honour Allan Fenbury who had been Chairperson since 1 April 2018. His Honour, Allan Fenbury, is now enjoying a well-deserved retirement.

Since my appointment I have been impressed by the quantity of matters considered by the Board each year. The full statistics appear in this report but in broad terms approximately 7000 matters are considered by the Board annually. This includes applications for parole, consideration of breaches of parole, applications for early release orders and consideration of Post Sentence Supervision Orders. There are approximately 600 Board meetings held each year to deal with these applications.

The Board consists of a Chairperson, eight Deputy Chairpersons, five representatives of the Corrective Services division of the Department of Justice (Corrective Services), five nominees of the Commissioner of Police and 16 community representatives.

Each meeting of the Board consists of approximately five members, which always includes either the Chairperson or a Deputy Chairperson, a representative from Corrective Services, a representative from the nominees of the Commissioner of Police and the balance made up from community representatives. All members of the Board (other than the Chairperson) are engaged on a sessional basis.

The sheer quantity of work undertaken and completed by the Board in the reporting period is a credit to the previous Chairperson (His Honour Allan Fenbury), the Board members, the Registrar of the Board (Mr Christopher Rae) and the staff of the Board.

When making a determination concerning whether to release an offender on a Parole Order, the Board is bound by sections 5A and 5B of the *Sentence Administration Act 2003* (WA) (the Act). Section 5A sets out “release considerations” which serve the primary purpose of requiring the Board to assess the risk posed by the offender upon release and the extent any risk identified can be mitigated via the requirements of a Parole Order, including community supervision. Pursuant to section 5B the Board “must regard the safety of the community as the paramount consideration.” What is perhaps not always understood by the general public is that often the safety of the community is best served by offenders receiving parole so that their reintegration into the community is structured, supervised by a Community Corrections Officer and is subject to restrictions (e.g. not to reoffend, not to use illicit drugs and to attend treatment programmes). A motivating factor to comply with the requirements of parole is that if an offender breaches the requirements of parole, the offender can be returned to custody to complete the balance of their sentence.

The alternative to parole is that eventually the offender, if not granted parole, will, at the end of the sentence, return to the community without any restrictions or supervision at all. In limited circumstances, the Board can make a Post Sentence Supervision Order which imposes restrictions on an offender at the

end of his or her sentence but such an order can only be imposed for an offender who is serving a fixed term for a serious offence as defined in the Act and only when it is necessary for the prevention of harm to the community from further offending by the offender.

In assessing the level of risk posed by an offender, the Board has regard to reports which contain assessments of the criminogenic features of an offender, whether any treatment programmes targeting these features were recommended, and if so, whether such programmes were completed satisfactorily.

An increasing concern to the Board is the volume of offenders reaching the point of parole eligibility where no assessment of their criminogenic treatment needs has been carried out by Corrective Services. A demonstration of the significance of this issue is that in 2021/22 there were 757 offenders who were denied parole in circumstances where due to delays they had not been assessed for any treatment programmes.

A further problem is that if an offender is finally assessed for treatment, the assessment process is flawed. The experience of the Board is that the assessment process, in part, is often about reducing the number of offenders who qualify for treatment rather than objectively assessing the treatment needs of offenders.

Finally, there are also offenders who are assessed as suitable for treatment programmes but they have been unable to advance beyond a waitlist prior to their application for parole coming before the Board.

All of these issues are due to lack of resources. A failure to complete a treatment programme whilst in prison (albeit it may not be the offender's fault) frequently jeopardises an offender's chance of obtaining a Parole Order.

These are important issues that I raise and I invite the Government to allocate greater resources to Corrective Services to remedy the situation.

To conclude, I wish to acknowledge the work of the administrative staff of the Board and the members of the Board which have been challenged by personnel shortages during the reporting period due to the COVID pandemic and associated restrictions. Fortunately, despite the challenges, the Board has been able to continue to operate fully and perform the essential public service it provides without interruption.



His Honour Mr Kevin Sleight  
Chairperson  
Prisoners Review Board

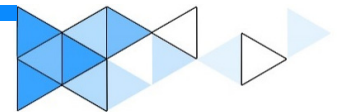
20 September 2022



# STATISTICAL REQUIREMENTS

PURSUANT TO SECTION 112 OF THE ACT, THE BOARD IS REQUIRED TO PROVIDE THE MINISTER WITH A WRITTEN REPORT ON THE FOLLOWING:

## A SNAPSHOT OF FACTS



### a. THE PERFORMANCE OF THE BOARD'S FUNCTIONS DURING THE PREVIOUS FINANCIAL YEAR;

During 2021/22 the Board held 591 meetings, including Registrar and Deputy Chair meetings, and considered 6725 matters. This represents a decrease of 1.8% in the number of meetings held compared with the previous financial year with a 5.6% decrease in the number of cases.

FINANCIAL YEAR	CASES CONSIDERED	NO. OF BOARD MEETINGS
2021/22	6725	591
2020/21	7122	602
2019/20	7767	620
2018/19	7618	592

"Cases Considered" includes all matters listed before the Board including listings in relation to the administration of parole orders. Individual prisoners can have more than one listing over a 12 month period.

	2020/21	2021/22	CHANGE (%)
<b>PAROLE ORDERS MADE BY THE BOARD AND GOVERNOR</b>	1648	1627	1.3% ↓
<b>PAROLE ORDERS CANCELLED OR SUSPENDED</b>	331	287	13.3% ↓
<b>PAROLE APPLICATIONS DENIED BY THE BOARD AND GOVERNOR</b>	1269	1202	5.3% ↓
<b>PAROLE CONSIDERATION DENIED AT REQUEST OF PRISONER</b>	633	602	4.9% ↓
<b>TOTAL PAROLE APPLICATIONS DENIED BY THE BOARD AND GOVERNOR</b>	1902	1804	5.2% ↓

The total number of parole applications denied by the Board has been broken down to delineate between where offenders have denied their own parole and where parole has been denied by either the Board or the Governor.

- b. THE NUMBER OF PRISONERS WHO BECAME ELIGIBLE TO BE RELEASED UNDER A PAROLE ORDER DURING THE PREVIOUS FINANCIAL YEAR;

	2020/21	2021/22	CHANGE (%)
<b>TOTAL NUMBER</b>	2669	2392	10.4% ↓

A prisoner's eligibility for parole is determined by the Court as part of their sentence.

- c. THE NUMBER OF PRISONERS WHO APPLIED TO BE RELEASED UNDER A RE-ENTRY RELEASE ORDER DURING THE PREVIOUS FINANCIAL YEAR;

	2020/21	2021/22	CHANGE (%)
<b>TOTAL NUMBER</b>	2	0	100% ↓

Prior to 2007, prisoners eligible for parole could also apply for early release under a Re-entry Release Order, pursuant to Part 4 of the Act. Those prisoners sentenced after 2007 may only be released via a Re-Entry Release Order if the sentencing court determined not to make an order that an offender was eligible for parole.

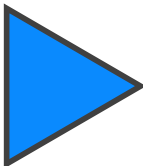
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- d. THE NUMBER OF PRISONERS WHO WERE REFUSED AN EARLY RELEASE ORDER BY THE BOARD OR THE GOVERNOR DURING THE PREVIOUS FINANCIAL YEAR;

	2020/21	2021/22	CHANGE (%)
<b>TOTAL</b>	1775	1685	5.1% ↓

- 
- e. THE NUMBER OF PRISONERS RELEASED UNDER AN EARLY RELEASE ORDER BY THE BOARD OR THE GOVERNOR DURING THE PREVIOUS FINANCIAL YEAR;

	2020/21	2021/22	CHANGE (%)
<b>TOTAL</b>	1648	1627	1.3% ↓

#### BREAKDOWN OF TOTAL PRISONERS RELEASED UNDER AN EARLY RELEASE ORDER:

- 
- ea. THE NUMBER OF PRISONERS WHOSE COOPERATION WAS CONSIDERED BY THE BOARD FOR THE PURPOSES OF SECTION 66B(1)(a) DURING THE PREVIOUS FINANCIAL YEAR;

*66b1 = Board not to release or recommend release unless prisoner cooperates or victim's remains located*

*(1) The Board must not make a release decision, or take release action, in relation to a relevant prisoner in custody for a homicide offence or homicide related offence unless the Board is satisfied that —*

*(a) the prisoner has cooperated with a member of the Police Force in the identification of the location, or last known location, of the remains of the victim of the homicide offence; or*

*(b) a member of the Police Force knows the location of the remains of the victim of the homicide offence.*

	2020/21	2021/22	CHANGE (%)
<b>TOTAL</b>	0	1	100% ↑

eb. THE NUMBER OF PRISONERS REFERRED TO IN PARAGRAPH (EA) WHO WERE RELEASED UNDER AN EARLY RELEASE ORDER BY THE BOARD OR THE GOVERNOR DURING THE PREVIOUS FINANCIAL YEAR:

	2020/21	2021/22	CHANGE (%)
<b>TOTAL</b>	0	1	100% ↑

f. THE NUMBER OF PRISONERS WHO COMPLETED AN EARLY RELEASE ORDER DURING THE PREVIOUS FINANCIAL YEAR;

	2020/21	2021/22	CHANGE (%)
<b>TOTAL</b>	1152	1222	6.1% ↑

“Completed” means the prisoner’s parole order was neither suspended nor cancelled during the parole period.

## SUSPENSION & CANCELLATION OF PAROLE ORDERS IN THE FINANCIAL YEAR 2021/22

g. THE NUMBER OF EARLY RELEASE ORDERS SUSPENDED OR CANCELLED DURING THE PREVIOUS FINANCIAL YEAR AND THE REASONS FOR SUSPENSION OR CANCELLATION<sup>1</sup>;

	2020/21	2021/22	CHANGE (%)
<b>PAROLE ORDERS CANCELLED</b>	310	270	12.9% ↓
<b>PAROLE ORDERS SUSPENDED</b>	21	17	19.0% ↓
<b>TOTAL</b>	<b>331</b>	<b>287</b>	

<sup>1</sup> Decisions to suspend/cancel parole should not be compared to the number of prisoners released on parole for the same reporting period as the decision to suspend/cancel can relate to an offender who was granted parole in a previous reporting period. Figures reflect decisions of the Board and do not include Adult Community Corrections decisions to suspend parole.

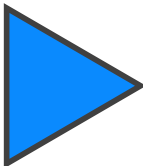


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- ga. THE NUMBER OF PRISONERS WHO WERE THE SUBJECT OF A REPORT UNDER SECTION 74C OF THE *SENTENCE ADMINISTRATION ACT 2003* (WA):

	2020/21	2021/22	CHANGE (%)
<b>TOTAL</b>	605	657	8.6% ↑

- 
- gb. THE NUMBER OF PERSONS RELEASED SUBJECT TO PSSO'S DURING THE PREVIOUS FINANCIAL YEAR.

	2020/21	2021/22	CHANGE (%)
<b>TOTAL</b>	121	116	4.1% ↓

- 
- h. THE NUMBER OF PRISONERS FOR WHOM PARTICIPATION IN A RE-SOCIALISATION PROGRAMME WAS APPROVED BY THE BOARD OR THE GOVERNOR DURING THE PREVIOUS FINANCIAL YEAR;

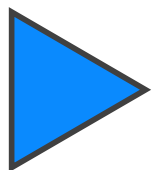
	2020/21	2021/22
<b>TOTAL</b>	6	5

A re-socialisation programme is designed to allow long term prisoners the opportunity to be gradually reintegrated into the community in preparation for release from prison. The purpose of a re-socialisation programme is to equip a prisoner for re-entry into the general community by addressing their education, employment, family and community support networks. The aim is to improve the prisoner's ability to pursue and maintain a pro-social and law-abiding lifestyle.

- 
- i. THE NUMBER OF PRISONERS WHO COMPLETED RE-SOCIALISATION PROGRAMMES DURING THE PREVIOUS FINANCIAL YEAR;

	2020/21	2021/22
<b>TOTAL</b>	9	11

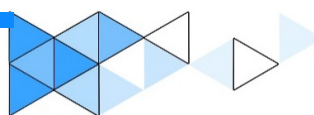
Re-socialisation programmes can run for varying durations of time, from six months to two years and can encompass multiple stages. As such, not all re-socialisation programmes commenced in a financial period will end in that same financial period.



- j. THE OPERATION OF THIS ACT AND RELEVANT PARTS OF THE SENTENCING ACT 1995 SO FAR AS THEY RELATE TO EARLY RELEASE ORDERS AND PSSOS AND TO THE ACTIVITIES OF THE CCOS IN RELATION TO THOSE ORDERS DURING THE PREVIOUS FINANCIAL YEAR;

See “Chairperson’s Overview”.

## 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.

