

Children and Young People (Property) Policy and Procedures 2008 (No 1)

Notifiable instrument NI2008– 382

made under the

Children and Young People Act 2008, Section 143 Youth detention policies and operating procedures

1 Name of instrument

This instrument is the *Children and Young People (Property) Policy and Procedures 2008 (No 1)*.

2 Commencement

This instrument is to commence on 9 September 2008.

3 Policies and operating procedures

Under section 143 of the *Children and Young People Act 2008*, I make the attached Property Policy and Procedures to facilitate the effective and efficient management of detention services for young detainees.

Martin Hehir
Chief Executive

8 September 2008

Property Policy and Procedures

1. Introduction and Purpose

The Property Policy and Procedures address section 191 of the *Children and Young People Act 2008* which allows for the formation of a youth detention policy to make provision in relation to a young detainee's property including provision in relation to the following:

- (a) storage of property;
- (b) access to, and use of, the property;
- (c) transfer of the property;
- (d) compensation for loss of, or damage to, the property;
- (e) return of the property to the young detainee.

In this policy a young detainee's property does not include a prohibited thing. Prohibited things must be dealt with in accordance with the Search and Seizure Policy and Procedures.

Correct handling and documentation of young detainees' property during admission and the period of their detention is essential.

2. Legal Authority and Obligations

- 2.1 The *Children and Young People Act 2008* is the primary source of authority for the operations of a detention place. The provisions of the *Children and Young People Act 2008* must be complied with at all times by staff exercising functions at a detention place. The following sections of the *Children and Young People Act 2008* are relevant to this policy and procedure: Section 191 Property of Young Detainees and 194 Trust accounts of young detainees.
- 2.2 The policy and procedures provide specific directions to implement the provisions of the *Children and Young People Act 2008* and other relevant legislation, including the *Human Rights Act 2004*.

The following international human rights standards apply in the ACT:

- Convention on the Rights of the Child;
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice;
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty;
- Standard Minimum Rules for the Treatment of Prisoners;
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

International human rights standards that are relevant to this policy and procedure are:

United Nations Rules for the Protection of Juveniles Deprived of their Liberty -

35. The possession of personal effects is a basic element of the right to privacy and essential to the psychological well-being of a juvenile. The right of every juvenile to possess personal effects and to have adequate storage facilities for them should be fully recognised and respected. Personal effects that the juvenile does not choose to retain or that are confiscated should be placed in safe custody. An inventory thereof should be signed by the juvenile. Steps should be taken to keep them in good condition. All such articles and money should be returned to the juvenile on release, except in so far as he or she has been authorized to spend the money or send such property out of the facility. If a juvenile receives or is found in possession of medicine, the medical officer should decide what use should be made of it.

18(c) Juveniles should receive and retain materials for their leisure and recreation as are compatible with the interests of the administration of justice.

46. Every juvenile who performs work should have the right to an equitable remuneration. Part of the earnings of a juvenile should normally be set aside to constitute a savings fund to be handed over to the juvenile on release. The juvenile should have the right to use the remainder of those earnings to purchase articles for his or her family or other persons outside the detention facility.

The *Australasian Juvenile Justice Administrators Standards for Juvenile Custodial Facilities* (1999) specify that the preservation of good order and safety at the centre is the only basis for limiting the possession of personal effects by young detainees.

3. Authorisations and Delegations

- 3.1 All youth detention officers are responsible for accurately documenting, storing and returning the personal property of young detainees following the procedures below.
- 3.2 The Manager of the detention place may allow a young detainee's property to be brought into the detention place.
- 3.3 The Manager may give directions imposing conditions in relation to the property including conditions in relation to:
 - (a) the nature, amount and location of property that may be held by a young detainee at the detention place; and
 - (b) the use of the property.
- 3.4 The Minimum Living Conditions Policy and Procedures require the Senior Manager to ensure, as far as practicable, that young detainees have reasonable access to books and other articles associated with their religious, spiritual or cultural beliefs or practices. Access to these items may be restricted by the Senior Manager in accordance with section 6.21 of the Minimum Living Conditions Policy and Procedures.

- 3.5 The Manager must ensure that the register of young detainees includes details in relation to the young detainee's property as recorded on the young detainee's property sheet.

4. Definitions

Directions may be given by a youth detention officer under section 146 of the *Children and Young People Act 2008* to a young detainee about anything related to the criminal matters chapters. A young detainee must comply with any direction given to the young detainee by the Chief Executive or delegate under section 184 of the *Children and Young People Act 2008*. Non-compliance by a young detainee with a direction is a behaviour breach and may be dealt with through the behaviour management or discipline policies.

Induction Officer is the youth detention officer responsible for undertaking the admission procedures for a young detainee.

Manager refers to the Senior Manager of a detention place during normal business hours, or in the event this person is unavailable, the Operations Manager of a detention place, or in the event this person is unavailable, a Unit Manager or in the event a Unit Manager is unavailable, the Programs and Services Manager. Outside normal business hours, this refers to the on-call manager.

Prohibited thing is a thing declared under section 148 of the *Children and Young People Act 2008* by the Chief Executive to be prohibited if the Chief Executive reasonably believes that the declaration is necessary or prudent to ensure security or good order at a detention place. The declaration of prohibited things is contained in the Search and Seizure Policy and Procedures.

Register of young detainees is a register that the Senior Manager is obliged to keep under section 185 of the *Children and Young People Act 2008*.

Staff refers to youth detention officers and other authorised persons. An authorised person is a person who has been delegated a power under the *Children and Young People Act 2008* or another Territory law and is exercising a function under the criminal matters chapters of the *Children and Young People Act 2008*. The positions which have delegations as authorised persons for the policy and procedures are: Executive Director (A), Director (B), Senior Manager (C/3), Acting Senior Manager (C/4), Operations Manager (E/7), Programs and Services Manager (E/8), Unit Managers (F/7), Team Leaders (G/6), Youth Workers (I/4), Casual Youth Workers (J/3), Case Managers (F/8), Aboriginal Liaison Officer (G/5).

Youth detention officer is defined at section 96 of the *Children and Young People Act 2008* and means an authorised person to whom the Chief Executive has delegated functions of a youth detention officer under the criminal matters chapters. The positions which have delegations as youth detention officers for the policy and procedures are: Senior Manager (C/3), Acting Senior Manager (C/4), Operations Manager (E/7), Programs and Services Manager (E/8), Unit Managers (F/7), Team Leaders (G/6), Youth Workers (I/4), Casual Youth Workers (J/3).

5. Principles

The *Children and Young People Act 2008* sets out the principles that must be considered by all staff making decisions and taking action under the Act and this policy. These are:

Section 8, Best interests of children and young people paramount consideration

- (1) In making a decision under this Act in relation to a particular child or young person, the decision-maker must regard the best interests of the child or young person as the paramount consideration.
- (2) In making a decision under this Act otherwise than in relation to a particular child or young person, the decision-maker must consider the best interests of children and young people.

Section 9, Principles applying to Act

- (1) In making a decision under this Act in relation to a child or young person, a decision-maker must have regard to the following principles where relevant, except when it is, or would be, contrary to the best interests of a child or young person:
 - (a) the child's or young person's sense of racial, ethnic, religious, individual or cultural identity should be preserved and enhanced;
 - (b) the child's or young person's education, training or lawful employment should be encouraged and continued without unnecessary interruption;
 - (c) the child's or young person's age, maturity, developmental capacity, sex, background and other relevant characteristics should be considered;
 - (d) delay in decision-making processes under the Act should be avoided because delay is likely to prejudice the child's or young person's wellbeing.
- (2) A decision-maker exercising a function under this Act must, where practicable and appropriate, have qualifications, experience or skills suitable to apply the principles in subsection (1) in making decisions under the Act in relation to children and young people.

Section 10, Aboriginal and Torres Strait Islander children and young people principle

- In making a decision under this Act in relation to an Aboriginal or Torres Strait Islander child or young person, in addition to the matters in section 8 and section 9, the decision-maker must take into account the following:
- (a) the need for the child or young person to maintain a connection with the lifestyle, culture and traditions of the child's or young person's Aboriginal or Torres Strait Islander community;

- (b) submissions about the child or young person made by or on behalf of any Aboriginal or Torres Strait Islander people or organisations identified by the chief executive as providing ongoing support services to the child or young person or the child's or young person's family;
- (c) Aboriginal and Torres Strait Islander traditions and cultural values (including kinship rules) as identified by reference to the child's or young person's family and kinship relationships and the community with which the child or young person has the strongest affiliation.

Section 94, Youth justice principles

- (1) For the criminal matters chapters, in deciding what is in the best interests of a child or young person, a decision-maker must consider each of the following matters that is relevant:
 - (a) if a child or young person does something that is contrary to law, he or she should be encouraged to accept responsibility for the behaviour and be held accountable;
 - (b) a child or young person should be dealt with in a way that acknowledges his or her needs and that will provide the opportunity to develop in socially responsible ways;
 - (c) a child or young person should be consulted about, and be given the opportunity to take part in making, decisions that affect the child or young person, to the maximum extent possible taking into consideration their age, maturity and developmental capacity;
 - (d) if practicable and appropriate, decisions about an Aboriginal and Torres Strait Islander child or young person should be made in a way that involves their community;
 - (e) if a child or young person is charged with an offence, he or she should have prompt access to legal assistance, and any legal proceeding relating to the offence should begin as soon as possible;
 - (f) a child or young person may only be detained in custody for an offence (whether on arrest, on remand or under sentence) as a last resort and for the minimum time necessary;
 - (g) children, young people and other young offenders should be dealt with in the criminal law system in a way consistent with their age, maturity and developmental capacity and have at least the same rights and protection before the law as would adults in similar circumstances;
 - (h) on and after conviction, it is a high priority to give a young offender the opportunity to re-enter the community;
 - (i) it is a high priority that intervention with young offenders must promote their rehabilitation, and must be balanced with the rights of any victim of the young offender's offence and the interests of the community.
- (2) The decision-maker may also consider any other relevant matter.
- (3) The youth justice principles are intended to be interpreted consistently with relevant human rights instruments and jurisprudence.

Example

Convention on the Rights of the Child

- (4) A reference in subsection (1) to a child or young person includes a reference to a person who is at least 18 years old but is being dealt with in relation to an offence committed, or alleged to have been committed, when he or she was under 18 years old.

6. Policy and Procedures

Bringing property into a detention place

6.1 Property may be brought into the detention place in the following ways:

- (a) on the young detainee's admission;
- (b) approved property brought back from leave;
- (c) approved property provided to/for a young detainee by a family member, significant person or accredited person;
- (d) property purchased under the incentive scheme of the Behaviour Management Policy and Procedures; or
- (e) property made through approved programs.

6.2 The Manager may allow a young detainee's property to be brought into the detention place, where to do so is considered unlikely to jeopardise the safety of the young detainee, another person or security and good order at a detention place.

6.3 All property will be searched. Any item that is a prohibited thing or that jeopardises the security and good order of the detention place may be seized and forfeited in accordance with the Search and Seizure Policy and Procedures. If a thing that is seized belongs to a young detainee and is not forfeited, then it must be placed in the young detainee's property container and returned to them on their discharge.

6.4 The Manager may give directions imposing conditions in relation to the property including:

- (a) the nature, amount and location of property that may be held by a young detainee; and
- (b) the use of the property.

Admission procedures

6.5 All young detainees must hand over their personal property, including all clothing, to a youth detention officer for inspection upon admission.

6.6 In making a decision about property that a young detainee is allowed to keep in their possession at the time of the young detainee's admission to a detention place, the Manager must consider the legal status of the young detainee. As far as practicable, a non-convicted young detainee should be allowed to keep in their possession items of personal property which will not jeopardise safety, security and good order at a detention place.

Examples of property which a non-convicted young detainee may be allowed to keep in their possession by direction of the Manager include:

- (a) Photograph/s of family members;
- (b) Book/s.

6.7 If a young detainee possesses medication at the time of admission, the youth detention officer must ensure that the medication is provided to the treating doctor or nurse undertaking the initial health assessment who will determine what should be done with the medication. Refer to Health and Wellbeing Policy and Procedure for the authority to issue and handle medication.

6.8 A youth detention officer must, where possible, arrange for a young detainee's personal clothing to be washed and dried. This must be completed in time to allow a young detainee to wear their own clothing to Court, where necessary.

6.9 All young detainees will be issued with a set of clothing and personal hygiene items upon admission.

Receipt of property procedures

| Step | Action | Responsibility |
|------|--|--------------------------------------|
| 1 | Young detainee received into detention place | Induction Officer |
| 2 | Property searched | Induction Officer |
| 3 | Property entered onto the young detainee's property sheet | Induction Officer |
| 4 | Inform young detainee of property storage procedures | Induction Officer |
| 5 | Property must be placed in a property bag and sealed using a security seal | Induction Officer |
| 6 | Security seal number entered onto the young detainee's property sheet | Induction Officer |
| 7 | Property sheet signed and dated | Induction Officer and young detainee |
| 8 | Property stored in the property store | Induction Officer |
| 9 | Location of property noted on the young detainee's property sheet | Induction Officer |

- 6.10 The Induction Officer will ensure that all property is thoroughly searched and recorded on the property sheet.
- 6.11 The Induction Officer must also make a record of a decision by the Manager or Senior Manager to allow a young detainee to keep any property in their possession.
- 6.12 The Induction Officer must advise a young detainee of the procedures for storage of property.
- 6.13 Property will be returned to a young detainee upon their release from custody, unless 6.14 or 6.15 apply.
- 6.14 If a youth detention officer considers any property in the possession of a young detainee is not suitable to be returned to the young detainee, a youth detention officer must deal with the property in accordance with the Search and Seizure Policy and Procedures.
- 6.15 If a youth detention officer considers any property, including a prohibited thing, in the possession of a young detainee is, or may be, connected with a criminal offence, a youth detention officer must apply the Search and Seizure Policy and Procedures.
- 6.16 The Induction Officer will ensure the description of all items of property is sufficient in determining the value and condition of any items allegedly lost or stolen. The description of the articles must include colour, brand, and type of article, for example, dark blue sweatshirt with hood, Nike brand.

- 6.17 The following information must be entered on the young detainee's property sheet:
- (a) a description of the article;
 - (b) any serial numbers of all valuable items;
 - (c) the number of articles;
 - (d) the condition of the articles (e.g. as new, good, fair, poor); and
 - (e) the security seal number.
- 6.18 Property must be placed in a property bag and sealed using a security seal.
- 6.19 The serial number displayed on the security seal must be entered onto the young detainee's property sheet.
- 6.20 The young detainee must sign and date the property sheet to acknowledge the condition and nature of the property, the sealing of the property bag with a security seal and the security seal reference number. If the young detainee refuses to sign the property sheet, the Induction Officer must record this on the property sheet.
- 6.21 The Induction Officer must also sign and date the property sheet.
- 6.22 All property of young detainees must be stored in the property store in the Admissions Building, to be returned on the young detainee's discharge from a detention place, unless the property is otherwise dealt with under the Search and Seizure Policy and Procedures.
- 6.23 The Induction Officer must ensure that all details in relation to property have been recorded on the property sheet, including the location of the property. The Induction Officer must ensure that the register of young detainees includes details in relation to the young detainee's property as recorded on the property sheet.
- 6.24 The procedures for the receiving of money can be found below. The procedures for the receiving and storage of valuables, not including money, are at 6.38 to 6.48.

Receiving money

| Step | Action | Responsibility |
|------|---|--|
| 1 | Money counted and placed in named envelope | Induction Officer |
| 2 | Envelope sealed and security seal number entered on the trust account receipt and on the property sheet | Induction Officer |
| 3 | Receipt for money issued to young detainee and placed in property bag and recorded on property sheet | Induction Officer |
| 4 | Information entered in trust account ledger | Induction Officer |
| 5 | Trust account ledger entry signed | Induction Officer and young detainee or, if the young detainee refuses to sign Induction Officer and another youth detention officer |
| 6 | Envelope placed in trust account safe deposit box | Induction Officer |

- 6.25 Money in the possession of a young detainee being inducted must be counted by the Induction Officer and placed in an envelope.
- 6.26 The Induction Officer must record the name of the young detainee on the outside of the envelope.
- 6.27 The Induction Officer must ensure the envelope containing the young detainee's money is sealed with a numbered security seal.
- 6.28 The Induction Officer must enter the security seal number on the trust account receipt and on the property sheet.
- 6.29 The Induction Officer must issue the young detainee with a trust account receipt for the money placed in the envelope and retain a copy of the receipt in the trust account receipt book.
- 6.30 The Induction Officer must ensure that the trust account receipt is placed in the young detainee's property bag and recorded on the property sheet.
- 6.31 The Induction Officer must enter the following information into the trust account ledger:
- (a) name of the young detainee;
 - (b) date and time of induction;
 - (c) amount of money received;
 - (d) receipt number; and
 - (e) number of the security seal used to seal the envelope.
- 6.32 The Induction Officer and the young detainee must sign the ledger to confirm the entry is accurate.
- 6.33 If the young detainee refuses to sign the ledger, a second youth detention officer must count the money and sign the ledger to confirm that the entry is accurate.
- 6.34 The Induction Officer must place the sealed envelope in the trust account safe deposit box.
- 6.35 The Senior Manager, Operations Manager and Business Manager are the only staff authorised to open the trust account safe deposit box.
- 6.36 The Business Manager or Operations Manager must reconcile the contents of the trust account safe deposit box with the trust account ledger on a weekly basis.
- 6.37 The trust account ledger is subject to audit procedures.

Receiving and storing valuables

| Step | Action | Responsibility |
|------|---|--------------------------------------|
| 1 | Valuables received | Induction Officer |
| 2 | Valuables searched | Induction Officer |
| 3 | Valuables entered on the young detainee's property sheet | Induction Officer |
| 4 | Valuables placed in valuables property bag and sealed | Induction Officer |
| 5 | Security seal number entered into young detainee's property sheet | Induction Officer |
| 6 | Property sheet signed and dated | Induction Officer and young detainee |
| 7 | Valuables secured in valuable property store in Admissions Building | Team Leader or Unit Manager |

- 6.38 Valuables include:
- jewellery;
 - wallet/purse;
 - key or credit cards;
 - other cards (e.g. drivers licence, proof of age, Centrelink cards);
 - mobile phones;
 - keys; and
 - iPods, MP3 players or other music players
- 6.39 All property must be thoroughly searched in accordance with the Search and Seizure Policy and Procedures.
- 6.40 The Induction Officer must ensure that the description of all valuables is sufficient to assist in determining the value and condition of any items allegedly lost or stolen. The description must include the colour, brand and type of article.
- 6.41 Jewellery must be described in the following way: if an item appears to be made of gold or silver, the property sheet must read yellow or white metal. Where an item contains a stone, the colour of the stone must be recorded. The property sheet in this instance must read transparent cut stone rather than diamond.
- 6.42 The following information must be entered into the young detainee's property sheet:
- (a) a description of the article;
 - (b) any serial numbers of all valuable items;
 - (c) the condition of the articles;
 - (d) the seal number; and
 - (e) the valuables locker number.
- 6.43 Valuable property must be placed in a valuables property bag and sealed using a security seal.
- 6.44 The serial number displayed on the security seal must be entered onto the young detainee's property sheet.
- 6.45 The young detainee must sign and date the property sheet to acknowledge the condition and nature of the property, the sealing of the property bag with a security seal and the security seal reference number. If the young detainee refuses to sign the property sheet, a youth detention officer must record this on the property sheet.
- 6.46 The Induction Officer must also sign and date the property sheet.
- 6.47 The Induction Officer must ensure that all details in relation to property have been recorded on the property sheet. The Induction Officer must ensure that the register of young detainees includes details in relation to the young detainee's valuables property as recorded on the property sheet.
- 6.48 Valuables must be stored in the valuable property store in the Admissions Building by the Team Leader or Unit Manager.

Opening a property or valuables bag

| Step | Action | Responsibility |
|------|--|--|
| 1 | Break seal | Youth detention officer |
| 2 | Check contents | Youth detention officer |
| 3 | Note any changes on property sheet | Youth detention officer |
| 4 | New security seal number entered on property sheet | Youth detention officer |
| 5 | Property sheet signed and dated | Youth detention officer and young detainee |
| 6 | Reseal with new security seal | Youth detention officer |
| 7 | Return to property or valuable property store | Youth detention officer or Team Leader or Unit Manager for valuable property store |

- 6.49 Circumstances in which a property or valuables bag may be opened include:
- (a) where a young detainee has made a request for access to an item/s of property which has been approved by the Manager;
 - (b) where further property of the young detainee is to be added to the property bag (for example, correspondence declined to be received by the young detainee);
 - (c) to access property for court or approved leave.
- 6.50 The seal of a property or valuables bag should, where practicable, be broken in front of the young detainee whose property is contained in the bag. If this is not possible, two youth detention officers must be present.
- 6.51 The contents of the property or valuables bag must be checked each time a seal is broken.
- 6.52 Any discrepancies, including any changes made at the time of the seal being broken, must be noted on the property sheet. Should any discrepancies be discovered, the youth detention officer must submit a report to the Operations Manager as soon as practicable. The Operations Manager will investigate all discrepancies.
- 6.53 The new security seal number must be entered on the Property Sheet.
- 6.54 The youth detention officer and young detainee must sign and date the property sheet.
- 6.55 The property bag must be resealed by the youth detention officer with the new security seal and returned to the property or valuable property store. Valuables must be stored in the valuable property store in the Admissions Building by the Team Leader or Unit Manager.

Return of property to a young detainee on discharge

- 6.56 This section applies in circumstances where property, whether ordinary property, valuables and/or money, is to be returned to the young detainee at the time of the young detainee's discharge from a detention place due to:
- (a) the legal authority for the young detainee's detention lapsing or otherwise terminating; or
 - (b) another reason for discharge.

| Step | Action | Responsibility |
|------|--|--|
| 1 | Remove young detainee's trust account envelope from trust account safe deposit box | Senior Manager, Operations Manager, Business Manager |
| 2 | Break seal of property and/or valuables bag and/or trust account envelope | Youth detention officer |
| 3 | Check and confirm contents | Youth detention officer |
| 4 | Property sheet signed and dated | Youth detention officer and young detainee |
| 5 | Trust account ledger signed | Youth detention officer and young detainee |
| 6 | Copy of signed property sheet included on young detainee's file | Youth detention officer |

- 6.57 Procedures in relation to opening a property bag must be followed as listed at 6.49-6.55 above.
- 6.58 The youth detention officer must check and confirm the contents of the property and/or valuables bag and/or trust account envelope.
- 6.59 The young detainee must sign and date the property sheet for all returned property at the time of their discharge. The youth detention officer must also sign and date the property sheet.
- 6.60 The young detainee must sign the trust account ledger for the money returned to them at the time of their discharge. The youth detention officer must also sign the trust account ledger.
- 6.61 The youth detention officer must place a copy of the signed property sheet on the young detainee's file.

Transfer of property with a young detainee

- 6.62 This section applies in circumstances where property, whether ordinary property, valuables and/or money, is to be transferred with a young detainee to:
- (a) an interstate detention place; or
 - (b) a correctional centre; or
 - (c) another place.

| Step | Action | Responsibility |
|------|--|--|
| 1 | Remove young detainee's trust account envelope from trust account safe deposit box | Senior Manager, Operations Manager or Business Manager |
| 2 | Break seal of property and/or valuables bag and/or of trust account envelope | Youth detention officer |
| 3 | Check and confirm contents | Youth detention officer |
| 4 | Note any changes | Youth detention officer |
| 5 | Update security seal number | Youth detention officer |
| 6 | Property sheet signed | Youth detention officer and young detainee |
| 7 | Reseal property bag | Youth detention officer |
| 8 | Sign property over to escort officer | Youth detention officer |
| 9 | Copy of signed property sheet included on young detainee's transfer file | Youth detention officer |

- 6.63 Procedures in relation to opening a property bag must be followed as listed at 6.49-6.55 above.
- 6.64 The youth detention officer must check and confirm the contents and note any changes.
- 6.65 The youth detention officer must update the security seal number.
- 6.66 The young detainee and youth detention officer must sign the property sheet. If the young detainee refuses to sign the property sheet, a youth detention officer must record this on the property sheet.
- 6.67 The youth detention officer must reseal the property bag and sign the property over to the escort officer.
- 6.68 The youth detention officer must place a copy of the signed property sheet on the young detainee's transfer file.

Reporting and investigation of invalid seals

| Step | Action | Responsibility |
|------|-----------------------------|-------------------------|
| 1 | Seal found to be invalid | Youth detention officer |
| 2 | Report submitted | Youth detention officer |
| 3 | Investigation conducted | Operations Manager |
| 4 | Report to Senior Manager | Operations Manager |
| 5 | Further action as necessary | Senior Manager |

- 6.69 An invalid seal is one in which the seal is broken or where the seal number does not match that recorded on the Property Sheet.
- 6.70 Upon finding or becoming aware of an invalid seal or any alleged lost or damaged property, a youth detention officer must submit a written report to the Operations Manager immediately.
- 6.71 The Operations Manager will investigate all reports of invalid seals. Where a discrepancy in the property contents is confirmed, the Operations Manager must investigate the discrepancy. Upon completion of the investigation, the Operations Manager must provide the Senior Manager with an investigation report including finding/s and recommendation/s.

- 6.72 The Senior Manager may endorse the recommendation/s of the investigation report and take any of the following action in relation to the invalid seal and/or any alleged lost or damaged property:
- (a) request further investigation;
 - (b) arrange replacement of any lost or damaged property;
 - (c) commence disciplinary action against a staff member under the *Public Sector Management Act 1994* or the Department's certified agreement; or
 - (d) refer to police for a criminal investigation.

Disposal of Property

- 6.73 Property may be disposed of if a young detainee does not collect an item following discharge.
- 6.74 All property will be disposed of in accordance with the *Uncollected Goods Act 1996*, or prior agreement with the young detainee.
- 6.75 A youth detention officer must make a record of the disposal of any property.

Release of property following the death of a young detainee

| Step | Action | Responsibility |
|------|--|--------------------------------------|
| 1 | Contact with next of kin or nominated person regarding arrangements for collection of property | Senior Manager or Operations Manager |
| 2 | Register of property compiled | Operations Manager |
| 3 | Property collected and signed for | Operations Manager |
| 4 | Property sheet placed on young detainee's file | Operations Manager |

- 6.76 The Senior Manager or Operations Manager will contact the young detainee's next of kin or nominated person to make arrangements for the collection of the young detainee's property held at a detention place.
- 6.77 The Operations Manager will compile a complete list of the young detainee's property, including all personal articles in their room, items stored on admission, and any valuables or money.
- 6.78 The Operations Manager must ensure all property being collected is signed for by the person collecting the property.
- 6.79 The signed property list must be placed on the young detainee's file to ensure evidence is maintained of the collection of the property.

Provision of Information and Complaints

- 6.80 Staff must ensure young detainees, their parents and all those with parental responsibility, family and visitors are provided with information about matters that affect them in a timely manner and in a manner that is likely to be understood.

- 6.81 A young detainee, person/s with parental responsibility for the young detainee, family and visitors are able to request a review of a decision or make a complaint about something that happens at a detention place to a youth detention officer, Manager, the Public Advocate or the Official Visitor.
- 6.82 Staff must ensure that the Provision of Information, Review of Decisions and Complaints Policy and Procedures is followed in relation to the above.
- 6.83 Staff must engage with the person seeking a review of a decision or making a complaint in a respectful manner and ensure sufficient information is provided on the process of review or investigation. Staff must assist fully in any complaint or review process.

Records and Reporting

- 6.84 Any actions taken under this policy and procedure must be recorded according to the requirements in this policy and procedure and the Records and Reporting Policy and Procedures.
- 6.85 All information collected must be placed on the relevant files and should be securely stored in compliance with both the *Privacy Act 1988* and the *Health Records (Privacy and Access) Act 1997*.
- 6.86 All required reports are the responsibility of youth detention officers and are to be fully completed before they complete their shift, unless otherwise approved by the Manager.

7. Forms and Templates

Property sheet
Register of Young Detainees

8. Related Policies and Procedures

Policies and Procedures under the *Children and Young People Act 2008*

Admission and Classification Policy and Procedures
Minimum Living Conditions Policy and Procedures
Treatment of Convicted and Non-Convicted Young Detainees Policy and Procedures
Health and Wellbeing Policy and Procedures
Safety and Security Policy and Procedures
Search and Seizure Policy and Procedures
Death in Custody Policy and Procedures

9. Further References

Dictionary for Policies and Procedures