

Australian Capital Territory

Children and Young People (Safety and Security) Policy and Procedures 2008 (No 1)

Notifiable instrument NI2008–395

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 (Safety and Security) 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 Safety and Security Policy and Procedures to facilitate the effective and efficient management of detention services for young detainees.

Martin Hehir
Chief Executive

8 September 2008

Safety and Security Policy and Procedures

1. Introduction and Purpose

Safe and secure custody of young detainees is the prime operational task of a detention place. This policy and procedure requires the implementation of appropriate safety and security measures to ensure the safe and secure custody of young detainees and the safety of all persons who work at or visit a detention place.

This policy and procedure also addresses the authority to undertake monitoring activities at a detention place. Monitoring at a detention place is necessary to ensure the safety of all persons at a detention place and to uphold security and good order. Monitoring may take different forms including direct viewing, the use of visual and/or audio surveillance equipment and the use of devices for detecting movement. This includes the monitoring of electronic communications by young detainees including telephone calls and the monitoring of mail. The Visits, Phone Calls and Correspondence Policy and Procedures address the monitoring of mail.

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: sections 146, 147, 148, 149, 150, 151, 179, 192, 193, 230, 231, 232, 233, Division 6.6.2 (Monitoring), Division 6.6.3 (Segregation).

2.2 The *Children and Young People Act 2008* is the only Act that applies to monitoring at a detention place and other Acts, such as the *Listening Devices Act 1992*, do not apply. In making a decision to authorise monitoring under this policy and procedure, the Manager must ensure that section 197 (below) of the *Children and Young People Act 2008* is complied with.

Section 197, Monitoring—general considerations

In exercising a function under this division, the Manager must ensure, as far as practicable, that the following are balanced appropriately:

- (a) the need to protect the safety of young detainees, authorised people, other people who work at or visit detention places, and the community;
- (b) the need for security and good order at detention places;
- (c) the benefits of young detainees maintaining contact with the community outside detention places;
- (d) the need to protect the privacy of young detainees;
- (e) the need to detect prohibited things entering, at, or leaving detention places;

- (f) the need to prevent intimidation and corruption at detention places, and the commission of offences;
- (g) anything else the Manager believes on reasonable grounds to be relevant.

2.3 The policies 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*.

2.4 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 -

33. During sleeping hours there should be regular, unobtrusive supervision of all sleeping areas, including individual rooms and group dormitories, in order to ensure the protection of each juvenile.

3. Authorisations and Delegations

Chain of Authority

3.1 The Senior Manager holds overall responsibility and authority for all decision-making regarding the management of a detention place. The management of a detention place includes both Operational and Program matters.

3.2 Operations are primarily responsible for the maintenance of the safety, security and good order of a detention place and providing advice on these matters to the Senior Manager.

3.3 Programs are responsible for the coordination and delivery of a range of services (therapeutic, rehabilitative, case management, educational and health services) to young detainees and advice on these issues to the Senior Manager.

3.4 The chain of authority for operational management of a detention place occurs from the Senior Manager through:

<p>For operational matters</p> <ul style="list-style-type: none"> ▪ Operations Manager; ▪ Unit Manager; ▪ Team Leader; and/or ▪ Youth worker 	<p>For program matters</p> <ul style="list-style-type: none"> ▪ Program and Services Manager; and/or ▪ Case Manager.
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- 3.5 All decisions regarding the entry, access and movement of people within a detention place including, staff, young detainees and visitors are made under the authority of the Senior Manager through Operations. Youth detention officers are responsible for the overall safety of all persons (young detainees, visitors, staff) and security and good order at a detention place.
- 3.6 All youth detention officers have authority to give directions to a visitor at a detention place under section 231 of the *Children and Young People Act 2008*. A visitor who fails to comply with a lawful direction by a youth detention officer may be asked to leave the detention place, may be refused future access to a detention place, or may be reported to the police.
- 3.7 A staff member must not provide an unauthorised person with, or allow an unauthorised person access to, operational or security equipment or restricted procedures or information related to the safety, security and good order of a detention place, without the approval of the Senior Manager. An unauthorised person means a person who is not a staff member or a person who is not authorised to have access to the equipment, procedures or information.
- 3.8 All staff must comply with this policy and procedure and all policies and procedures as they apply to them. A member of all staff who contravenes or fails to comply with a policy or procedure may be investigated and may be subject to disciplinary procedures under the *Public Sector Management Act 1994* and/or a criminal investigation.
- 3.9 The Senior Manager must ensure that every person entering the detention place is aware that they may be monitored and their actions and voice recorded.
- 3.10 The Manager is authorised to have any part of the detention place monitored for any activity.
- 3.11 Youth detention officers may conduct monitoring of young detainees and/or activities at a detention place only in accordance with this policy and other relevant policies.

4. Definitions

All staff refers to youth detention officers, authorised persons, other Departmental staff providing services at or visiting a detention place in a work-related capacity and staff of ACT Government agencies providing services to young detainees at a detention place.

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 a youth detention officer under section 184 of the *Children and Young People Act 2008*. Non-compliance by a young detainee with a direction given by a youth detention officer is a behaviour breach and may be dealt with through the Behaviour Management or Discipline Policies or Procedures.

Electronic communication is defined at section 200 of the *Children and Young People Act 2008* and means communication by telephone, email or fax or any other electronic means.

Emergency declaration is made by the Chief Executive or Executive Director under section 149 of the *Children and Young People Act 2008* if the Chief Executive or Executive Director believes on reasonable grounds that an emergency exists in relation to a detention place that threatens or is likely to threaten security and good order at the detention place or the safety of a person. Each emergency declaration may be made for a maximum of 3 days. Following the declaration of an emergency, the emergency powers at section 150 of the *Children and Young People Act 2008* may be exercised.

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.

Ordinary mail is defined at section 201 of the *Children and Young People Act 2008* and means all mail that is not protected mail.

Prohibited area is an area within a detention place declared by the Chief Executive under section 147 of the *Children and Young People Act 2008* to be a prohibited area to ensure the safety of a person, security or good order or the best interests of young detainees. It is a behaviour breach for a young detainee to be in a prohibited area without approval of the 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.

Protected electronic communication is defined at section 200 of the *Children and Young People Act 2008* and means an electronic communication between a young detainee and any of the following persons:

- (a) a lawyer representing the young detainee;
- (b) a Official Visitor;
- (c) a Commissioner exercising functions under the *Human Rights Commission Act 2005*;
- (d) the Public Advocate; and
- (e) the Ombudsman.

Protected mail is defined at section 201 of the *Children and Young People Act 2008* and means mail between a young detainee and any of the following:

- (a) a lawyer representing the young detainee;
- (b) an Official Visitor;

- (c) a Commissioner exercising functions under the *Human Rights Commission Act 2005*;
- (d) the Public Advocate; and
- (e) the Ombudsman.

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 policies 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).

Visitor is defined at section 137 of the *Children and Young People Act 2008* to include a person wishing to enter a detention place as a visitor.

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 policies 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 decision-makers making decisions 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.

Operational Principles

The operational principles underpinning this policy and procedure are:

- (a) that the privacy of young detainees and visitors will be considered in decision-making about monitoring at a detention place;
- (b) that decisions in relation to the level of monitoring of young detainees should take account of the needs of the young detainee, their known history and their cultural background;
- (c) that youth detention officers of the same gender as the young detainee should be responsible for monitoring as far as practicable; and
- (d) that the use of electronic monitoring equipment should not be a substitute for personal interaction with young detainees.

6. Policy and Procedure

Safe and Secure Custody of Young Detainees

- 6.1 At all times youth detention officers must manage young detainees in a manner that is consistent with this and all other policies and procedures, including providing appropriate placement and levels of supervision and observation.
- 6.2 A safety and security segregation direction may be made by the Manager to segregate a young detainee from other young detainees if the direction is reasonable and necessary to ensure the safety of any person at a detention place or security or good order at a detention place. Refer to Segregation Policy and Procedure.

Safety, Security and Good Order of a Detention Place

Perimeter

- 6.3 The Manager must ensure that the perimeter of a detention place is secure at all times. The perimeter of a detention place is all physical structures (eg fences or buildings) that form the secure outside boundary.
- 6.4 Youth detention officers must ensure that no one approaches (from within or outside), touches, climbs, alters or damages the perimeter of a detention place without the authority of the Manager.
- 6.5 All occasions of unauthorised contact with, tampering or breaching of the perimeter must be reported to the Manager immediately.
- 6.6 The Manager must ensure regular checks of the perimeter are conducted. The details regarding the conduct (eg. who, when and where) and results of these checks are to be recorded in the Register of Searches and Uses of Force.
- 6.7 The Manager must ensure that all required maintenance and repairs to the perimeter are undertaken in the shortest time possible.

Buildings

- 6.8 The Manager must ensure that all buildings within a detention place are safe and secure at all times.
- 6.9 The Manager must ensure that all buildings are in a safe and functional condition and that security requirements are met.
- 6.10 The Manager must ensure regular safety and security checks of all buildings and operational areas surrounding buildings are conducted regularly. The details regarding the conduct (eg. who, when and where) and results of these checks are to be recorded in the Register of Searches and Uses of Force.

Control of Access to and Movement of People within a Detention Place

- 6.11 The Manager has the authority to refuse entry to, and control movement within, a detention place by any person when the Manager reasonably considers it necessary to do so.
- 6.12 The Admission and Classification policy applies to decisions regarding admission or non-admission of a young detainee to a detention place.
- 6.13 The Manager may refuse entry to a detention place by staff or visitors in the following circumstances:
 - (a) for operational reasons (e.g. Lock-Down);
 - (b) where a parent, guardian or person with parental responsibility has requested that a visitor not have access to a young detainee (given appropriate consideration to the views, age and maturity of the young detainee);
 - (c) where the young detainee has refused to see the visitor;
 - (d) a legal reason (e.g. Personal Protection Order);
 - (e) during a serious incident or emergency;
 - (f) where there is insufficient youth detention officers to provide the necessary supervision or escort of the visitor(s);
 - (g) where there is a reasonable suspicion that the visitor poses a threat to the safety, security or good order of a detention place;

- (h) where the visitor has not arranged for a visit; or
 - (i) any other reason relating to the maintenance of security, safety and good order of a detention place.
- 6.14 The Manager must make reasonable attempts to ensure that visitors entering a detention place do so for a legitimate reason, for example, by asking visitors to declare the nature or purpose of the visit.

Prohibited Areas

- 6.15 A prohibited area is an area at a detention place declared by the Chief Executive under section 147 of the *Children and Young People Act 2008* which is restricted to young detainees to ensure safety, security and good order.
- 6.16 Prohibited areas for all young detainees at all times are perimeter zones, staff areas and staff duty points.
- 6.17 Prohibited areas to young detainees also include the entry courtyard, Visits Centre gardens, Vehicle and Services Zone and grounds outside the perimeter, subject to approval being granted by the Senior Manager for a young detainee to enter one of these areas. It is a behaviour breach for a young detainee to be in one of these prohibited areas without this approval. Refer to Behaviour Management Policy and Procedures.
- 6.18 Information about prohibited areas must be given to a young detainee as soon as practicable after admission. Refer to Admission and Classification Policy and Procedures.

Prohibited Things

- 6.19 The only things that may be brought into a detention place by any person are things that are not prohibited things.
- 6.20 A 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.
- 6.21 The declaration of prohibited things is at Schedule 1 of the Search and Seizure Policy and Procedures.
- 6.22 Searches of all persons entering the detention place, including staff, may be authorised under the Search and Seizure Policy and Procedures to detect for prohibited things. Refer to Search and Seizure Policy and Procedures.
- 6.23 It is an offence under section 230 of the *Children and Young People Act 2008* for a person to take a prohibited thing into a detention place, give a prohibited thing to a young detainee or remove a prohibited thing from a detention place, without the approval of the Manager.
- 6.24 If a youth detention officer reasonably suspects that a person has possession of a prohibited thing at a detention place, the youth detention officer must report the suspicion to the Manager. The Manager may direct a search of the person in accordance with the Search and Seizure Policy and Procedures. A prohibited thing that is discovered, whether as a result of a search or at any other time, must be seized and the police must be notified.

Staff Property

- 6.25 Staff at a detention place may only bring into the operational area of the detention place personal property that is required for the performance of their duties. This personal property must not include a prohibited thing.
- 6.26 Property in the possession of staff within a detention place may be searched according to the Search and Seizure Policy and Procedures.
- 6.27 If a staff member is found to have in their possession in an operational area of a detention place a prohibited thing, this is a reportable incident. The Senior Manager may direct the person to leave the detention place and refuse the person re-entry to a detention place. The staff member may be investigated by the Police, which may result in charges being laid. Disciplinary procedures under the *Public Sector Management Act 1994* may also be commenced against a staff member who is a public servant.

Equipment and Maintenance

- 6.28 The Senior Manager must ensure that all equipment, buildings and grounds within a detention place are kept in a safe and usable condition.
- 6.29 The Senior Manager must ensure all equipment is routinely maintained and/serviced and where necessary audited to ensure compliance with appropriate standards, requirements or legislation.
- 6.30 The Senior Manager must ensure all youth detention officers are trained in the use of all equipment required to perform their duties, including:
- (a) keys and passes;
 - (b) radios;
 - (c) utility belts;
 - (d) gloves;
 - (e) first-aid equipment;
 - (f) breathing apparatus;
 - (g) fire extinguishers;
 - (h) instruments of restraint (restraint belt, flexicuffs, shields, helmets, and handcuffs); and/or
 - (i) electronic equipment (computers, DVR systems, surveillance and alarms).
- 6.31 If a youth detention officer becomes aware of a breakage, breakdown, malfunction or damage to equipment it must be reported to the Operations Manager, to ensure all necessary repairs can be carried out.

Monitoring Generally

- 6.32 The Manager may authorise the use of monitoring equipment, including video (CCTV) or audio surveillance to ensure the health and safety of young detainees, staff and visitors and the security and good order of a detention place.
- 6.33 Section 197 of the *Children and Young People Act 2008* sets out the considerations that must be balanced by the Manager in exercising

monitoring functions under the Act and this policy. The Manager may make a decision to conduct monitoring if:

- (a) there are reasonable grounds to believe doing so will protect the physical safety or mental health of a young detainee, staff or another person;
 - (b) there are reasonable grounds to believe doing so will protect the security of a detention place;
 - (c) it is required by another Policy and Procedure; or
 - (d) a visitor has, for reasons relating to their own safety, requested monitoring to occur.
- 6.34 All people who enter a detention place may be subject to monitoring by the use of visual and/or audio surveillance equipment. The Senior Manager must ensure that every person entering the detention place is aware that they may be monitored and their actions and voice recorded. Visitors will be advised of this upon entry to a detention place through the provision of the Visiting Conditions Information Sheet. A notice must also be posted within the entry of a detention place giving notice of monitoring in accordance with section 198 of the *Children and Young People Act 2008*. Youth detention officers must provide a verbal explanation to a visitor about monitoring if required.
- 6.35 Youth detention officers must ensure that communication at a visit between a young detainee and any of the following persons is not subject to audio monitoring or recording: a lawyer representing the young detainee, an Official Visitor, a Commissioner exercising functions under the *Human Rights Commission Act 2005*, the Public Advocate and the Ombudsman.
- 6.36 Monitoring records must be stored as official records in accordance with the Department's Records Management Program (RMP), a departmental program required under the *Territory Records Act 2002* and includes the arrangements for the appropriate capture, creation, identification, storage, security, access to and destruction of, all departmental records as required by this Act. Refer to Records and Reporting Policy and Procedure.

Monitoring Electronic Communication including Telephone Calls

- 6.37 The *Children and Young People Act 2008* and the Visits, Phone Calls and Correspondence Policy authorise the Manager to give directions to deny or limit a young detainee's phone calls if the Manager suspects on reasonable grounds that the call may:
- (a) undermine security or good order at a detention place; or
 - (b) revictimise a victim; or
 - (c) circumvent any process for investigating complaints or reviewing decisions under this Act; or
 - (d) have the purpose of causing community distress; or
 - (e) cause harm to the young detainee; or
 - (f) the direction is necessary and reasonable to safeguard the best interests of the young detainee.
- 6.38 Section 200 of the *Children and Young People Act 2008* and this policy authorise youth detention officers to monitor and record a young detainee's electronic communication, other than a protected electronic

communication, to detect for the matters outlined in 6.37 or to detect for any other criminal activity. Electronic communication is defined at section 200 of the *Children and Young People Act 2008* and means communication by telephone, email or fax or any other electronic means.

- 6.39 Youth detention officers are not authorised to monitor or record a protected electronic communication. A protected electronic communication is defined at section 200 of the *Children and Young People Act 2008* and means an electronic communication between a young detainee and any of the following persons: a lawyer representing the young detainee; an Official Visitor; a Commissioner exercising functions under the *Human Rights Commission Act 2005*; the Public Advocate and the Ombudsman. If the Senior Manager has reasonable grounds to suspect or believe that a protected electronic communication may reveal information about the commission of an offence, the Senior Manager must give the information on which the suspicion or belief is based to the police.
- 6.40 Youth detention officers may do either or both of the following in relation to all other electronic communication occurring within the detention place:
- (a) monitor the communication;
 - (b) record the communication.
- 6.41 Youth detention officers must inform the parties to the communication that the communication may be subject to monitoring and recording.
- 6.42 If the communication reveals information about the commission of an offence, the Manager must give the information to the police.

Monitoring Ordinary and Protected Mail

- 6.43 The Visits, Phone Calls and Correspondence policy and procedure outlines the circumstances in which ordinary and protected mail may be searched, read and censored or seized.

Key and Pass Security

- 6.44 The Manager must ensure all keys and passes are to be securely stored within the detention place (eg. Key Safe).
- 6.45 The Manager must ensure all staff are issued an official Identification and Security Pass, Personal Identification Number (PIN) for access to the key safe and keys.
- 6.46 Upon the commencement of shift, staff must 'sign out' their pass and use their PIN to access only those keys they are allocated for their shift.
- 6.47 Upon completion of a shift, staff must 'sign in' their passes and use their PIN to return their keys to the key safe.
- 6.48 Staff are not permitted to give their keys or passes to any other person or to access another person's keys or passes without the approval of the Manager.
- 6.49 Staff are responsible for ensuring that keys and passes are not accessed by, or in the possession of, a young detainee at any time.
- 6.50 Staff may only remove keys from a detention place if given prior approval by the Manager.

- 6.51 In the event of unauthorised removal of keys by staff from a detention place, staff must return the keys to the detention place immediately.
- 6.52 The Senior Manager must ensure regular audit checks of all detention place keys and passes.

Operational Equipment

- 6.53 Operational equipment includes radios, safety cutters, hoffman knives, helmets, shields, pads, flexicuffs and handcuffs.
- 6.54 Operational equipment will be issued to a youth detention officer with the approval of the Manager for the duration of their shift.
- 6.55 A youth detention officer is responsible for all operational equipment issued to them.
- 6.56 A youth detention officer is responsible for reporting breakage, breakdown, malfunction or damage to equipment and seeking replacement of operational equipment where necessary.
- 6.57 A youth detention officer is responsible for ensuring that operational equipment is not accessed by, or in the possession of, a young detainee at any time.
- 6.58 The Senior Manager must ensure regular audit checks of all operational equipment.

Vehicles

- 6.59 The Manager must ensure that all vehicles at a detention place are maintained and serviced in accordance with the manufacturer's guidelines.
- 6.60 Prior to using any vehicle, a youth detention officer must check that it is roadworthy in accordance with Departmental vehicle use policy. Any damage or defects should be reported immediately to the Manager.
- 6.61 Prior to using a vehicle for any purpose, youth detention officers should be aware of the guidelines for use of vehicles by ACT Public Service employees, available on the DHCS Intranet. In general, drivers of detention place vehicles are required to:
 - (a) be appropriately licensed;
 - (b) obey all traffic laws and parking restrictions;
 - (c) behave in a courteous way at all times;
 - (d) ensure the safe and efficient operation of the vehicle, and that any cargo is properly secured;
 - (e) record accurate and timely information on business use,
 - (f) report vehicle accidents and defects;
 - (g) ensure that due care and security is afforded to the vehicle;
 - (h) drivers should note that they are liable for any infringements and fines incurred whilst utilising a ACT Government vehicle; and
 - (i) complete appropriate paperwork when travelling interstate.

Vehicles on Escort

- 6.62 The Senior Manager must ensure that all vehicles to be used for escorts are appropriate and roadworthy in accordance with Departmental vehicle use policy and ensure that the vehicle is fitted with an operational fire extinguisher and first aid kit.

- 6.63 Whenever possible, the detention place designated escort vehicle should be used for escorts. If the escort vehicle is unavailable, the Senior Manager may give approval for the use of another vehicle.
- 6.64 Youth detention officers conducting an escort must ensure they have appropriate authority and paperwork to conduct the escort.
- 6.65 Youth detention officers conducting an escort will have access to a communication device to ensure that communication with the detention place can be maintained.
- 6.66 Escorts will be conducted by two youth detention officers unless otherwise authorised by the Manager.
- 6.67 Youth detention officers conducting an escort are to use the most direct route to the destination and make no unauthorised stops.
- 6.68 The young detainee should be placed in the rear of the vehicle behind the passenger seat while under escort, and accompanied in the rear by the second youth detention officer.
- 6.69 When conducting an escort in a vehicle other than the designated escort vehicle, youth detention officers must ensure that both rear door child locks and all electric windows are in the locked position.
- 6.70 During transit to a destination, youth detention officers must not remove a young detainee from an escort vehicle unless the circumstances warrant evacuation.
- 6.71 In the event of a vehicle breakdown during an escort, escorting staff must:
- (a) secure all young detainees with consideration to their continued custody and safety;
 - (b) notify the detention place of the exact location and request a back up vehicle;
 - (c) upon arrival of the back up vehicle, supervise the transfer of young detainees and their property/documentation to the replacement vehicle;
 - (d) take charge of the replacement vehicle and continue with the escort unless otherwise directed;
 - (e) ensure a youth detention officer remains with the broken-down vehicle unless otherwise directed; and
 - (f) notify the detention place once the escort has resumed.
- 6.72 In the event of an accident in which there are no injuries to escorting youth detention officers or young detainees, the escorting youth detention officers must:
- (a) secure all young detainees with consideration to their continued security and safety;
 - (b) notify the detention place of the exact location, request assistance which may include a back up vehicle and a tow truck if necessary;
 - (c) upon arrival of the back up vehicle, supervise the transfer of young detainees and their property/documentation to the replacement vehicle;
 - (d) take charge of the replacement vehicle and continue with the escort unless otherwise directed;
 - (e) a youth detention officer is to remain with the damaged vehicle unless directed otherwise; and
 - (f) notify the detention place once the escort has resumed.

- 6.73 In the event of an accident in which there is an injury to a young detainee or youth detention officer, the escorting youth detention officers must:
- (a) assess the seriousness of any injury or health complaint;
 - (b) if necessary, call an ambulance, police and/or fire brigade and if required remain in communication with the relevant emergency service;
 - (c) notify the Control Room, advise of the situation and request assistance;
 - (d) as soon as it is safe to do so, one or both escorting youth detention officers must immediately commence first aid and if required continue until the arrival of a health professional (including Ambulance officer or Paramedic);
 - (e) the escorting youth detention officers must, so far as is reasonably possible, maintain the safe and secure custody of all young detainees on escort; and
 - (f) as soon as it is appropriate and safe to do so, the escorting youth detention officers and young detainee(s) should return to the detention place.
- 6.74 Following notification of an accident involving an injury to a young detainee or youth detention officer, the Control Room staff should respond in accordance with the Health and Wellbeing policy and procedure.
- 6.75 The Manager must, in the event of an injury or hospitalisation of a young detainee, make arrangement for at least one youth detention officer to accompany the young detainee to hospital.

Vehicles Entering or leaving a detention place

- 6.76 Vehicles entering or leaving the perimeter of a detention place can be subjected to a search to ensure:
- (a) they do not contain materials that are likely to constitute a threat to the good order, safety or security of a detention place;
 - (b) they are not being used, either deliberately or opportunistically, to aid in the escape of a young detainee;
 - (c) that equipment and items brought into the detention place are accounted for prior to exit; and
 - (d) that they do not contain any prohibited things, or items that are unnecessary to complete the work to be undertaken.
- 6.77 Prior to a vehicle being admitted to a detention place, a youth detention officer must advise the owner of the above search requirements. Failure to agree to the search requirements will result in the vehicle not being admitted to a detention place. Failure to comply after being admitted may result in the Police being notified and requested to attend.
- 6.78 Youth detention officers must ensure that no young detainee has access to any vehicle within the perimeter of a detention place without the authority of the Manager.
- 6.79 Any young detainee who has unauthorised access to a vehicle may be searched according to the Search and Seizure Policy and Procedures before being allowed to have access to other young detainees or buildings.

Control Room

- 6.80 Access to the Control Room is restricted to authorised youth detention officers.
- 6.81 Permission to enter the Control Room may be granted by the Manager, having regard to operational requirements at the time.
- 6.82 Youth detention officers must comply with the following security control measures at all times:
- (a) the entry doors to the Control Room must be kept closed at all times;
 - (b) no unauthorised people are to be permitted entry.
- 6.83 The control room is to be staffed at all times unless authorised by the Manager.
- 6.84 If the youth detention officer on duty leaves the Control Room, a request must be made for a temporary replacement prior to this occurring. The youth detention officer is not to leave the Control Room until replaced.
- 6.85 The Department will seek to employ the appropriate numbers of male and female youth detention officers and ensure wherever possible mixed gender staff in rostering practices. Staffing of the Control Room may be altered to allow for the monitoring of young detainees by officers of the same sex. This may be managed through swapping youth detention officers or through adding additional youth detention officers as required. Where there is only one female or male youth detention officer rostered onto a shift, and an incident involving a female or male young detainee arises, the night shift team leader or, during the day, the Unit Manager, must ensure that the youth detention officer of the same sex is utilised most appropriately. The Team Leader or Unit Manager must consult with the Manager, if necessary, in relation to this issue.

Night shifts and lockdowns

- 6.86 During night shifts and lockdown periods, the duty points must be staffed.
- 6.87 Youth detention officers in the duty points must conduct observations as required and monitor electronic surveillance equipment, unless otherwise approved by the Manager.

Breaches of Safety and Security

What is a Breach?

- 6.88 For the purposes of the Safety and Security Policy and Procedure, a breach of the safety or security at a detention place is any action that directly contravenes the requirements or directions given under this policy and procedure or other policy, procedure, legislation or instruction that relate to the safe and secure operation of a detention place.

Escapes and Attempted Escapes

- 6.89 All youth detention officers and escort officers must make every effort to prevent the escape or attempted escape of a young detainee, unless an officer believes that to do so would threaten their own safety or the safety of another person. Refer to Local and Interstate Leave Policy

and Procedures for procedures applying to attempted escape or escape from the custody of escort officers.

- 6.90 If a young detainee attempts to escape, a youth detention officer may use such force as is necessary to prevent the escape. Any use of force must be consistent with the Use of Force Policy and Procedure.
- 6.91 If a youth detention officer becomes aware of a young detainee attempting to or having escaped from a detention place, the officer must respond in accordance with the appropriate emergency response procedures at sections 6.95 and 6.96 below.

Responding to Safety or Security System Failures

- 6.92 For the purposes of this Policy and Procedure, a safety or security system is any of the following:
- (a) the perimeter fence, part of the fence or the 'sterile zone' within the perimeter fence;
 - (b) a door, including an internal door of a unit or building within the operational area of a detention place or a perimeter door;
 - (c) an electronic system that operates a door, door lock, intercom system, camera or surveillance system, communication device (e.g. radio);
 - (d) a personal or fixed duress alarm;
 - (e) lock, key, operational equipment or instrument of force (e.g. utility belt, handcuffs, helmet, shield);
 - (f) safety or first aid equipment (e.g. first aid kit, breathing apparatus, fire extinguisher etc); or
 - (g) any other thing that may affect the safety, security or good order of a detention place.
- 6.93 If a youth detention officer suspects or becomes aware that there has been a failure to a safety or security system, the officer must do the following:
- (a) immediately assess the situation with respect to the safety of young detainees, staff or others and the security of the detention place;
 - (b) immediately notify the Unit Manager or if unavailable, the most senior youth detention officer on duty;
 - (c) make all attempts to keep young detainees, staff or visitors away from the area affected; and
 - (d) if appropriate or necessary, call the appropriate code and seek assistance, or direct the locking down of all young detainees and/or the securing of the detention place.
- 6.94 If a Unit Manager or senior youth detention officer, in the absence of a Unit Manager, receives a notification of a potential safety or system failure, the senior youth detention officer/Unit Manager must assess the level of risk associated with the system failure, and based on that risk do one or more of the following:
- (a) arrange replacement or recovery of the item; and/or
 - (b) arrange for the continued appropriate management of young detainees and ongoing safety and security of the detention place.

Emergency Responses

- 6.95 Preservation of life is the paramount consideration in an emergency situation. Youth detention officers must take all reasonable and

necessary steps to minimise a risk of death or injury to young detainees, staff and visitors and to ensure that young detainees remain in safe custody for the duration of an emergency.

- 6.96 The Senior Manager must ensure that a detention place has a current Emergency Response Plan that provides clear directions to all youth detention officers on how to respond to the following Emergency Situations:
- (a) escape;
 - (b) fire;
 - (c) bomb threat;
 - (d) hostage situations;
 - (e) riots and major disturbances;
 - (f) chemical spills;
 - (g) evacuations; and/or
 - (h) major health issue such as contagious disease potentially requiring quarantining of young detainees or staff (eg Bird Flu).

Declaration of emergency and emergency powers

- 6.97 An emergency declaration may be made by the Chief Executive or Executive Director if it is reasonably believed that an emergency exists in relation to a detention place that threatens or is likely to threaten security and good order or the safety of any person. The declaration must comply with section 149 of the *Children and Young People Act 2008*.
- 6.98 During the declaration of an emergency, the Senior Manager may implement one or more of the following emergency powers if it is necessary and reasonable in the circumstances:
- (a) Restrict any activity at the place;
 - (b) Restrict access in, or to or from, the place or any part of the place;
 - (c) Restrict communications between a young detainee and anyone else;
 - (d) Authorise a police officer or public servant, such as a corrections officer, to exercise any function of a youth detention officer in accordance with the Senior Manager's directions; and
 - (e) Evacuate some or all young detainees from the detention place.
- 6.99 Where the emergency declaration requires an evacuation that involves overnight relocation of any or all young detainees, young detainees must be evacuated to a temporary detention place. The Chief Executive may make a declaration under section 34 of the *Corrections Management Act 2007* if circumstances exist in relation to a detention place that make it necessary or prudent for a young detainee to be accommodated temporarily away from a detention place. While a declaration is in force, the Senior Manager may direct that a young detainee be detained at a police cell or court cell. The young detainee remains in the custody of the Chief Executive while detained at a police or court cell.
- 6.100 Youth detention officers must ensure that the standards set out in the Minimum Living Conditions Policy and Procedure are upheld as far as practicable during the declaration of an emergency. This applies at a detention place or at a temporary detention place to which young detainees are evacuated. Youth detention officers must also ensure

that existing separation and placement decisions are upheld as far as practicable during an emergency declaration. Additional youth detention officers may be required to assist during such a situation to minimise any risk to the safety and security of young detainees and youth detention officers.

- 6.101 In an emergency situation, all non-operational youth detention officers must remain in, or return to, a designated secured area until directed otherwise by the Manager.

Training

- 6.102 The Senior Manager must ensure all youth detention officers receive regular training in all areas covered by the Safety and Security Policy and Procedures.
- 6.103 The Senior Manager must ensure young detainees are appropriately trained in the emergency response procedures for the detention place.
- 6.104 Youth detention officers must undertake all necessary training to perform their duties as provided for by the Safety and Security Policy and Procedures.

Media

- 6.105 Staff must not respond to any media inquiries concerning matters at a detention place unless approved by the Chief Executive.
- 6.106 Unless otherwise authorised by the Chief Executive, youth detention officers must refer all media inquiries to the Manager, Media and Communications, Department of Disability, Housing and Community Services.

Provision of Information, Review of Decisions and Complaints

- 6.107 Staff must ensure young detainees, their parents and those with parental responsibility, family and visitors are provided with information about things that affect them in a timely manner and in a manner that is likely to be understood.
- 6.108 A young detainee, their parents and those with parental responsibility, 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 the detention place, the Public Advocate or the Official Visitor.
- 6.109 Staff must ensure that the Provision of Information, Review of Decisions and Complaints Policy and Procedure is followed in relation to the above.
- 6.110 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

- 6.111 Any actions taken under this Policy and Procedure must be recorded according to the requirements set out in the Records and Reporting Policy and Procedure. All necessary forms are available on the Department's Intranet.

6.112 All required reports are the responsibility of youth detention officers and are to be fully completed before youth detention officers complete their shift, unless otherwise approved by the Manager.

7. Forms and Templates

Register of searches and uses of force

8. Related Policies and Procedures

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

Behaviour Management Policy and Procedures

Local and Interstate Leave Policy and Procedures

Records and Reporting Policy and Procedures

Search and Seizure Policy and Procedures

Use of Force Policy and Procedures

Health and Wellbeing Policy and Procedures

Records and Reporting Policy and Procedures

Minimum Living Conditions Policy and Procedures

Provision of Information, Review of Decisions and Complaints Policy and Procedures

9. Further References

Dictionary for Policies and Procedures