

Australian Capital Territory

Children and Young People (Escorts) Policy and Procedures 2009 (No 1)

Notifiable instrument NI2009-64

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 (Escorts) Policy and Procedures 2009 (No 1)*.

2 Commencement

This instrument is to commence the day after notification.

3 Policies and operating procedures

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

Sandra Lambert
Chief Executive

12 February 2009

Escorts Policy and Procedures

1. Introduction and Purpose

A young detainee may require escorting between a detention place and a Court or Tribunal, health facility, correctional centre or another place in the ACT under a warrant, Court order, transfer direction, leave permit or other lawful authority for the escort. A young detainee may also require escorting to a place interstate under an interstate leave permit or interstate transfer arrangement or order.

Escort officer is defined in the dictionary of the *Children and Young People Act 2008* and means a youth detention officer, a police officer or a corrections officer. Transfer escort, for interstate transfers, is defined at section 114 of the *Children and Young People Act 2008* and means a police officer, a corrections officer, a youth detention officer or a person acting as a transfer escort with the approval of the Senior Manager who is authorised under a transfer agreement, arrangement or order. The functions of an escort officer and transfer escort are to ensure the safe and secure custody of a young detainee while they are being escorted in accordance with the *Children and Young People Act 2008* and this Policy and Procedure.

Section 103 of the *Children and Young People Act 2008* allows the Chief Executive to make an arrangement for escorting a child, a young person or a young detainee with the Chief Executive responsible for administering the *Corrections Management Act 2007* and the Chief Police Officer. Section 152 of the *Children and Young People Act 2008* allows the Chief Executive or delegate to ask another Chief Executive for assistance in relation to the exercise of functions under the criminal matters chapters (chapters 4 to 9) of the Act. The request must be complied with as far as practicable.

A corrections officer providing assistance to the Chief Executive DHCS as an escort officer may exercise any function exercisable by a youth detention officer under the criminal matters chapters in accordance with any direction by the Manager.

2. Legal Authority and Obligations

- 2.1 The *Children and Young People Act 2008* is the primary source of authority for this policy. The provisions of the *Children and Young People Act 2008* must be complied with at all times by staff and other persons exercising functions under the Act and this policy.
- 2.2 The following sections of the *Children and Young People Act 2008* apply to escorts within the ACT: Div 5.1.1 (Transfers within ACT – general), Div 5.1.2 (Escorting young detainees etc), section 99 (Transporting young detainees to and from Court – young detainees to be kept separate from adult detainees) and section 100 (Detaining young detainees at Court – young detainees to be kept separate from adult detainees).
- 2.3 The following sections of the *Children and Young People Act 2008* apply to escorts outside the ACT: Part 5.2 (Interstate Transfers), Division 6.8.2 (Interstate Leave). The powers of transfer escorts escorting a young detainee for an interstate transfer are outlined at section 123 in Part 5.2. The powers of escort officers escorting a young detainee under an interstate leave permit are outlined at section 244 in Division 6.8.2.
- 2.4 Chapter 4 of the *Corrections Management Act 2007* (Detention in police and Court cells) is also relevant to this Policy and Procedure. Chapter 4 of the *Corrections Management Act 2007* includes obligations in relation to the detention of children and young people in police and Court cells.

- 2.5 Section 356 of the *Children and Young People Act 2008* requires police officers, staff at a detention place and other public servants who, in the course of their employment, provide services personally to children and young people or families ('mandated reporters') to report their reasonable belief that a child, young person or young detainee who is under 18 years has experienced or is experiencing non-accidental physical injury or sexual abuse. A report must be made by a mandated reporter to the Centralised Intake Service, OCYFS.
- 2.6 The policies and procedures provide specific directions to implement the provisions of the *Children and Young People Act 2008*, the *Corrections Management Act 2007* and other relevant legislation, including the *Human Rights Act 2004*.

Human rights that are protected by the *Human Rights Act 2004* and that are relevant to this policy and procedure are:

Section 19 Humane treatment when deprived of liberty

- (1) Anyone deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.
- (2) An accused person must be segregated from convicted people, except in exceptional circumstances.
- (3) An accused person must be treated in a way that is appropriate for a person who has not been convicted.

Section 20 Children in the criminal process

- (1) An accused child must be segregated from accused adults.
- (2) An accused child must be treated in a way that is appropriate for a person of the child's age who has not been convicted.
- (3) A child must be brought to trial as quickly as possible.
- (4) A convicted child must be treated in a way that is appropriate for a person of the child's age who has been convicted.

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.

3. Authorisations and Delegations

- 3.1 This policy and procedure applies to all persons exercising escort functions for young detainees on behalf of the Chief Executive, including youth detention officers, corrections officers, police officers and/or persons acting as transfer escorts with the approval of the Senior Manager.
- 3.2 The Senior Manager is responsible for ensuring that all persons exercising escort functions for young detainees on behalf of the Chief Executive are appropriately trained in this policy and procedure and all relevant policies and procedures.
- 3.3 The escort officer or transfer escort must ensure that they are in possession of a fully stocked first aid kit prior to undertaking an escort.
- 3.4 The Senior Manager must ensure that transfer escorts and escort officers who are not youth detention officers have been trained in the use of approved techniques for the use of force (not including strikes, locks and pressure point holds) and approved instruments of restraint, in accordance with the Use of Force Policy and Procedures.

4. Definitions

Admission means the reception and induction of a young detainee into a detention place in accordance with a Court order, warrant or other legal authority for their detention.

Adult young detainee is a young detainee who is 18 years or over, but under 21 years. An adult young detainee who is 21 years or older cannot be detained at a detention place.

Chief Executive means the Chief Executive of the Department of Disability, Housing and Community Services with administrative responsibility for the *Children and Young People Act 2008*, unless otherwise specified in this policy.

Correctional centre is defined in the dictionary of the *Corrections Management Act 2007* and means a place declared to be a correctional centre under section 24 of that Act. The Alexander Maconochie Centre is declared as a correctional centre under this definition.

Corrections officer is a person appointed under section 19 of the *Corrections Management Act 2007* by the Chief Executive responsible for that Act.

Court Transport Unit is an administrative unit of ACT Corrective Services, Department of Justice and Community Safety with administrative responsibility for the provision of Court transport functions.

Detention place means Quamby Youth Detention Centre for the interim transitional period and Bimberi Youth Justice Centre following the interim transitional period.

Escort officer is defined in the dictionary of the *Children and Young People Act 2008* and means a youth detention officer, a police officer or a corrections officer.

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.

Mandated reporter under the *Children and Young People Act 2008* includes police officers, staff at a detention place and other public servants who, in the course of their employment, provide services personally to children and young people or families. The Act requires these persons to report their reasonable belief that a child, young person or young detainee who is under 18 years has experienced or is experiencing non-accidental physical injury or sexual abuse.

Observations occur to ensure the safety and engagement of a young detainee within a detention place. Further information about observations is in the Admission and Classification policy and procedure.

Police cell means a cell at a police station in the ACT.

Special management direction (SMD) is a specific instruction given by the Senior Manager relating to the need to implement or maintain special conditions for the management of a young detainee.

Transfer escort, for interstate transfers, is defined at section 114 of the *Children and Young People Act 2008* and means a police officer, a corrections officer, a youth detention officer or a person acting as a transfer escort with the approval of the Senior Manager who is authorised under a transfer agreement, arrangement or order.

Young detainee is defined in section 95 of the *Children and Young People Act 2008* and means a child, young person or person aged 18 to 21 years who is required to be held in the Chief Executive's custody.

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

Legislative 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 young detainee, the decision-maker must regard the best interests of the young detainee as the paramount consideration.
- (2) In making a decision under this Act otherwise than in relation to a particular young detainee, 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 young detainee, 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 young detainee:
 - (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 young detainee, 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 young detainee 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 young detainee 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 young detainee 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 young detainee 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 young detainee, a decision-maker must consider each of the following matters that is relevant:
 - (a) if a young detainee 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 young detainee 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 young detainee should be consulted about, and be given the opportunity to take part in making, decisions that affect the young detainee, 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 young detainee should be made in a way that involves their community;
 - (e) if a young detainee 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 young detainee 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 young detainee 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 Procedure

6.1 The following table, table 6A, outlines the arrangements for escorting children, young people and young detainees by police officers, youth detention officers (DHCS) and corrections officers (JACS).

Table 6A Arrangements for Escorts of Children, Young People and Young Detainees

In Custody of or at	Escort direction	Where	Agency Responsible	Powers of Escort officers
Police custody or police cells	To	Court/Tribunal	AFP	Section 31, Corrections Management Act 2007 <ul style="list-style-type: none"> Scanning, frisk, ordinary, strip searches in accordance with parts 7.1, 7.2, 7.3, 7.4 and 7.9 of the Children and Young People Act 2008
Police custody or police cells	To/From	Detention place	AFP/JACS (CTU)	Section 31, Corrections Management Act 2007 <ul style="list-style-type: none"> Scanning, frisk, ordinary, strip searches in accordance with parts 7.1, 7.2, 7.3, 7.4 and 7.9 of the Children and Young People Act 2008
Escorts Within ACT by Escort Officers				
DHCS at detention place	To/From	Court/Tribunal	JACS (CTU)/ DHCS as negotiated	Section 103, Children and Young People Act 2008 <ul style="list-style-type: none"> Any function that could be exercised in relation to admitted young detainee
DHCS at detention place	To/From	Place in ACT under local leave permit with escort direction	DHCS	Section 103, Children and Young People Act 2008 <ul style="list-style-type: none"> Any function that could be exercised in relation to admitted young detainee
DHCS at detention place	To/From	ACT Health Facility under Transfer Direction	DHCS	Section 103, Children and Young People Act 2008 <ul style="list-style-type: none"> Any function that could be exercised on admitted young detainee
DHCS at detention place	To	Correctional Centre under Transfer Direction (adult young detainee only)	DHCS/JACS (CTU) as negotiated	Section 103, Children and Young People Act 2008 <ul style="list-style-type: none"> Any function that could be exercised in relation to admitted young detainee
DHCS at detention place	To/From	Temporary detention place during emergency evacuation	DHCS and/or JACS (CTU) as negotiated	Section 103, Children and Young People Act 2008 <ul style="list-style-type: none"> Any function that could be exercised in relation to admitted young detainee
Escorts Outside ACT by Escort Officers or Transfer Escorts				
DHCS at detention	To/From	Interstate detention place or other place	DHCS	Section 123, Children and Young People Act 2008

place		under interstate transfer order or arrangement		<ul style="list-style-type: none"> ▪ Give directions ▪ Use force ▪ Scanning, frisk or ordinary search if suspected to be carrying prohibited thing
DHCS at detention place	To/From	Place interstate under interstate leave permit with escort direction	DHCS	<p>Section 244, Children and Young People Act 2008</p> <ul style="list-style-type: none"> ▪ Give directions ▪ Use force ▪ Scanning, Frisk or ordinary if suspected to be carrying prohibited thing

Young Detainees in Police Custody at Police Cells

- 6.2 Section 30 of the *Corrections Management Act 2007* requires that a young detainee lawfully required to be in police custody must not be detained continuously at a police cell for a period longer than 12 hours. If a young detainee is lawfully required to remain in police custody for a period longer than 12 hours, the Chief Police Officer may direct that the person be transferred to the custody of the Chief Executive for the purposes of the police custody.
- 6.3 If a young detainee is detained at a police cell, the Chief Police Officer must ensure that the young detainee:
- (a) is kept separate from adult detainees;
 - (b) has prompt access to medical and legal assistance;
 - (c) is told, in language and a way he or she can readily understand, about the reason for the detention and the procedures that apply; and
 - (d) is able to contact and be contacted by each of the following:
 - (i) a commissioner exercising functions under the Human Rights Commission Act 2005;
 - (ii) the Public Advocate;
 - (iii) the Ombudsman.
- 6.4 Section 31 of the *Corrections Management Act 2007* allows the Chief Police Officer to direct a police officer to conduct a scanning search, frisk search, ordinary search or strip search of a young detainee detained at a police cell. Parts 7.1, 7.2, 7.3, 7.4 and 7.9 of the *Children and Young People Act 2008* apply to the direction as if the direction was made in relation to a young detainee at a detention place.
- 6.5 Section 105 of the *Children and Young People Act 2008* applies to an arrested child or young person, or person aged 18 to 21 years arrested for an offence allegedly committed under 18 years, who is in police custody and required by law to be brought before a Court or Tribunal. A police officer may require an escort officer to bring the arrested person before the Court or tribunal. The escort officer must bring the arrested person before the Court or tribunal and may take the arrested person into custody and arrange for the arrested person to be detained until the person is brought before the Court or tribunal.

Admission of Young Detainee to Detention Place

- 6.6 In accordance with the Admission and Classification Policy and Procedure, a young detainee must not be admitted to a detention place without relevant legal authority.
- 6.7 A police officer, corrections officer, escort officer, or transfer escort must ensure that appropriately verified authorising documentation for a young detainee's admission is provided to a youth detention officer at the time of escorting a young detainee to a detention place.

Escorts within ACT by Escort Officers

Legal Authority for Escort Officer Functions

- 6.8 An escort officer is defined in the dictionary of the *Children and Young People Act 2008* and means a youth detention officer, a police officer or a corrections officer. The arrangements for escorts of young detainees are outlined at Table 6A.
- 6.9 The legal authority for an escort officer to escort a young detainee is at section 104 of the *Children and Young People Act 2008*.
- 6.10 Under section 104 of the *Children and Young People Act 2008*, the escort officer is authorised to have custody of the young detainee for the purpose of escorting the young detainee in accordance with the order, warrant or other legal authority for the escort and the young detainee is also taken to be in the custody of the Chief Executive.
- 6.11 An escort officer may exercise functions in relation to the young detainee in accordance with this Policy and Procedure, subject to any direction of the Manager.

Directions to Escort Officers

- 6.12 The Manager may give directions to an escort officer in relation to a young detainee under section 101 of the *Children and Young People Act 2008*.
- 6.13 The Escort Advice form is taken to be a direction to escort officers to ensure the safe and secure custody of the young detainee in accordance with any directions on the form. The escort officer must ensure that the directions on the Escort Advice form are complied with, unless otherwise authorised by the Manager. If the Manager verbally authorises a change to direction/s, the change must be recorded by the escort officer on the form and signed by the escort officer.
- 6.14 Examples of directions include:
 - (a) A direction to take the young detainee to a place stated in the direction;
 - (b) A direction in relation to the level of observations for the young detainee; and
 - (c) A direction in relation any special management directions that apply for the young detainee.
- 6.15 An escort officer is authorised to have custody of the young detainee in accordance with the Escort Advice form and any other direction or directions on the form.

Escorts to and from a Court or Tribunal

- 6.16 The Manager must arrange for a young detainee in the Chief Executive's custody at a detention place to be brought before a Court or Tribunal in accordance with an order, warrant or other authority of the Court or Tribunal. The arrangements for escorts of young detainees to and from a Court or Tribunal are outlined at Table 6A. The Court Transport Unit of JACS will provide escort services for young detainees between a detention place and a Court or Tribunal, unless otherwise arranged and agreed between the Manager and the Superintendent of the Court Transport Unit, or their representatives. This may include, but is not limited to, circumstances in which the young detainee's needs and risks are more appropriately responded to by youth detention officers than corrections officers.
- 6.17 If a young detainee is being escorted from a detention place to a Court or Tribunal, a youth detention officer must complete an Escort Advice form and provide the Escort Advice form to the escort officer. The Escort Advice form must include all relevant information about the young detainee, including age, cultural identity, health information, security classification and risks and alerts, including risk of self-harm or suicide, level of observations and any special management directions. The Escort Advice form is taken to be a direction to the escort officer to ensure the safe and secure custody of the young detainee in accordance with any directions on the form. The escort officer must ensure that the directions on the Escort Advice form are complied with, unless otherwise authorised by the Manager. If the Manager verbally authorises a change to direction/s, the change must be recorded by the escort officer on the form and signed by the escort officer.
- 6.18 If a young detainee who is under 18 years is being escorted from a detention place to a Court, or from a Court to a detention place, the young detainee must not be transported with a detained adult, including an adult young detainee and must not be placed in a room or cell with a detained adult, including an adult young detainee.
- 6.19 An escort officer who is required to bring a young detainee to a Court must ensure, as far as practicable and subject to any order or direction of the Court, the welfare and safe custody of the young detainee for the purposes of the proceeding and ensure that the young detainee does not obstruct or hinder the proceeding.
- 6.20 An escort officer is responsible for ensuring that any information provided by a Court or Tribunal, police officer or other source that is relevant to the young detainee's risks and alerts is recorded on the Escort Advice form.

Detention in Court Cells

- 6.21 Section 33 of the *Corrections Management Act 2007* requires that a young detainee who is in the Chief Executive's custody must not be detained continuously at a Court cell for a period longer than 12 hours. An escort officer must record on the Escort Advice form the date and time when the young detainee was placed in a Court cell. An escort officer is responsible for ensuring that a young detainee is not held in a Court cell for a period in excess of 12 hours and that the young detainee is returned to custody at a detention place as soon as practicable.
- 6.22 During the period that a young detainee is detained at a Court cell, the Deputy Superintendent and Custodial Officer 3 or Deputy Superintendent of the Court Transport Unit are responsible for ensuring that the young detainee:
- (a) is kept separate from adult detainees;
 - (b) has prompt access to medical and legal assistance;
 - (c) is told, in language and a way he or she can readily understand, about the reason for the detention and the procedures that apply; and
 - (d) is able to contact and be contacted by each of the following:

- (i) a commissioner exercising functions under the *Human Rights Commission Act 2005*;
 - (ii) the Public Advocate;
 - (iii) the Ombudsman.
- 6.23 An escort officer must record on the Escort Advice form whether medical assistance was provided to the young detainee while at a Court cell.

Powers of Escort Officers

Give Directions to Young Detainees

- 6.24 An escort officer may, for the purpose of escorting a young detainee, give the young detainee any direction that the officer believes is necessary and reasonable. Examples of directions that an escort officer may give include:
- (a) A direction that the young detainee not have contact with a particular person;
 - (b) A direction that the young detainee remain within sight of the escort officer;
 - (c) A direction that the young detainee remain at a certain place for a stated period.
- 6.25 An escort officer must record on the Escort Advice form any non-compliance with a direction by a young detainee.

Search and Seizure

- 6.26 An escort officer may, for the purpose of escorting a young detainee, undertake a property or area search, or a scanning, frisk, ordinary or strip search of the young detainee in accordance with the Search and Seizure Policy and Procedure, subject to any directions recorded on the Escort Advice form or any other direction of the Manager.
- 6.27 If a young detainee objects to a search, and the escort officer is a youth detention officer, the officer must seek authorisation for the search from the Manager. If a young detainee objects to a search, and the escort officer is a corrections officer, the officer must seek authorisation for the search from the officer in charge of the Court Transport Unit. The escort officer must record on the Register of Searches and Uses of Force form any objection to a search by a young detainee and the Manager or officer in charge's decision to authorise or not authorise the search.
- 6.28 An escort officer may seize a prohibited thing that is discovered in accordance with the Search and Seizure Policy and Procedure. The seizure must be recorded on the Register of Searches and Uses of Force Form. The escort officer seizing the thing is responsible for giving notice of the seizure in accordance with section 282 of the *Children and Young People Act 2008*. If the escort officer is not a youth detention officer, the escort officer must give the seized thing to a youth detention officer who is responsible for dealing with the thing under the Search and Seizure Policy and Procedure.

Use of Force

- 6.29 An escort officer may, for the purpose of escorting the young detainee, use force in relation to the young detainee in accordance with the Use of Force Policy and Procedure, subject to any directions recorded on the Escort Advice form or any other direction of the Manager.
- 6.30 Only instruments of restraint and approved techniques authorised by the Use of Force Policy and Procedure may be used by an escort officer.
- 6.31 Any use of force by an escort officer in relation to a young detainee must be recorded by the escort officer on the Register of Searches and Uses of Force form. This includes any use of an instrument of restraint. The form must be provided by the escort officer to a youth detention officer at the conclusion of the escort. The youth detention officer must enter a record number on the form and enter the form in the register of searches and uses of force at the detention place.

- 6.32 If force has been used against a young detainee which has caused an injury to the young detainee, an escort officer must ensure the young detainee is examined by a treating doctor as soon as practicable following the use of force. An injury includes any injury to the young detainee's body observed by a youth detention officer, such as bruising or marks, or any injury or potential injury identified by the young detainee, such as a complaint of pain to a body part.
- 6.33 If force has been used against a young detainee which has not caused an injury to the young detainee, the Manager or Team Leader must ensure the young detainee is offered a medical examination by a treating doctor or nurse as soon as practicable following the use of force. If the young detainee accepts the offer of a medical examination, the Manager or Team Leader must ensure the medical examination is arranged as soon as practicable and that appropriate health care is available to the young detainee consistent with the Health and Wellbeing Policy and Procedures.

Escorts Outside ACT by Escort Officers or Transfer Escorts

- 6.34 A young detainee may be escorted to a place interstate under an interstate leave permit with an escort direction in accordance with the Local and Interstate Leave Policy and Procedure or to an interstate facility under the Interstate Transfers Policy and Procedure.
- 6.35 The powers of escort officers escorting a young detainee under an interstate leave permit are outlined at section 244 of the *Children and Young People Act 2008* and the powers of transfer escorts escorting a young detainee under the Interstate Transfers Policy and Procedure are outlined at section 123 of the *Children and Young People Act 2008*.
- 6.36 To keep custody of the young detainee under an interstate leave permit or transfer order or arrangement, an escort officer or transfer escort may:
- (a) conduct a scanning search, frisk search or ordinary search of the young detainee if the officer suspects on reasonable grounds that the young detainee may be carrying a prohibited thing. For a scanning, frisk or ordinary search, the Search and Seizure policy and procedure must be applied.
 - (b) give the young detainee any direction that the officer believes is necessary and reasonable.
 - (c) use force in accordance with the Use of Force Policy and Procedure.
- 6.37 The escort officer or transfer escort must record the search, any seizure or use of force on the Register of Searches and Uses of Force form.

Procedures Applying to All Escorts - Within and Outside ACT

Application of Health and Wellbeing Policy and Procedures

- 6.38 The Health and Wellbeing Policy and Procedures are to be applied by all persons transporting a young detainee and/or exercising escort functions under the direction of the Manager.

Application of Safety and Security Policy and Procedures and Local and Interstate Leave Policy and Procedures

- 6.39 The procedures in the Safety and Security Policy and Procedures and Local and Interstate Leave Policy and Procedures must be applied in relation to the security of the escort and any attempted escape, or escape, of a young detainee under escort.

Application of Property Policy and Procedures

- 6.40 The Property Policy and Procedures must be applied in relation to the transfer of a young detainee's property with them under escort.

Application of Records and Reporting Policy and Procedures

- 6.41 An escort officer or transfer escort escorting a young detainee in accordance with this policy must ensure that all relevant information in relation to the young detainee and the escort is fully and accurately recorded on the Escort Advice form.
- 6.42 An escort officer or transfer escort escorting a young detainee must report a Category 1 or Category 2 Reportable Incident to the Manager in accordance with the Records and Reporting Policy and Procedure and Reporting Form.
- 6.43 An escort officer or transfer escort escorting a young detainee must record any use of force in relation to the young detainee on the Register of Searches and Uses of Force Form.
- 6.44 An escort officer or transfer escort escorting a young detainee must record a property, area or personal search of the young detainee on the Register of Searches and Uses of Force Form, including details of anything seized.

Application of Death in Custody Policy and Procedures

- 6.45 A death in custody means the death of a young detainee under detention at a detention place, at a health facility, under escort, or on approved leave, whether within or outside the ACT.
- 6.46 The Death in Custody Policy and Procedure is to be applied in the event of the death of a young detainee under escort.

Application of Provision of Information, Review of Decisions and Complaints

- 6.47 If a young detainee wishes to make a complaint about their treatment or an incident occurring while the young detainee is under escort by an escort officer or transfer escort, the Provision of Information, Review of Decisions and Complaints Policy and Procedure is to be applied. A complaint may be made to staff at a detention place or oversight persons and agencies, including the Official Visitor and Public Advocate. This applies regardless of whether the complaint is made during the period the young detainee is under escort or at a later time, and regardless of whether the escort is within or outside the ACT.
- 6.48 If a complaint received relates to an escort officer who is not a youth detention officer, the Senior Manager must refer the complaint to the Officer in Charge of the relevant agency. The outcome of any internal investigation by another agency in relation to an escort officer who is not a youth detention officer must be provided to the Senior Manager, unless this information is protected by law
- 6.49 An escort officer or transfer escort must assist fully in any complaint or review process.

7. Forms and Templates

Escort Advice Form
Register of Searches and Uses of Force
Reportable Incident Form

8. Related Policies and Procedures

Search and Seizure Policy and Procedures
Safety and Security Policy and Procedures
Use of Force Policy and Procedures
Health and Wellbeing Policy and Procedures
Transfers Policy and Procedures
Local and Interstate Leave Policy and Procedures
Property Policy and Procedures
Death in Custody Policy and Procedures
Provision of Information, Review of Decisions and Complaints Policy and Procedures
Records and Reporting Policy and Procedures

9. Further References

Schedule 5 of the Service Partnership Agreement between ACT Corrective Services, Department of Justice and Community Safety and Youth Justice, Office for Children, Youth and Family Support, Department of Disability, Housing and Community Services