

Youth Justice Policy Determination 4.0: Admissions, Warrants and Release

1. Policy Purpose

- 1.1. To provide guidelines around the process for admission into, and discharge from, a detention centre.

2. Authority / Responsibility

- 2.1. This policy applies to all staff within a detention centre.
- 2.2. The Superintendent is responsible for the management of this Policy Determination.

3. Policy Statement

- 3.1. The [Youth Justice Act 2005](#) provides that where a court finds a charge proven against a young person, it may, whether or not it proceeds to conviction, order that the young person serve a term of detention or imprisonment.
- 3.2. The Manager Youth Justice Operations – Superintendent must:
 - (1) Ensure a young person's admission into a youth detention centre is lawful;
 - (2) Ensure that it is safe for a young person to be admitted by undertaking risk assessments of the young person's safety and wellbeing;
 - (3) Not admit a young person who is medically unfit for admission;
 - (4) Ensure a young person receives an induction into the centre upon admission;
 - (5) Ensure that a young person understands their rights, obligations and behaviour expectations; and
 - (6) Keep appropriate records of admission and discharge, including a register of a young person's property.

4. Warrants (Court Orders)

- 4.1. A young person can only be admitted into a youth detention centre if they have been charged (remanded) or found guilty (sentenced) of an offence against the law of the Northern Territory or the Commonwealth of Australia.
- 4.2. There must be a legal document (warrant) for each young person received into custody. The Manager Youth Justice Operations—Superintendent must detain a young person in custody in accordance with the warrant.
- 4.3. If the warrant is not provided by police or the court, the Officer responsible for reception should follow up with Territory Families court staff.
- 4.4. If a young person is charged with an offence and is not released from custody, he or she must be brought before the court as soon as practicable, and within seven (7) days of the arrest. If the young person is not brought before the court within seven (7) days of the arrest, the person in whose custody the young person is being held must immediately release the young person.

Types of Warrants

COURT REMAND ORDER

- 4.5. Unless the young person is committed for trial in the Supreme Court, an order remanding the young person in custody must not, except with the young person's consent, be for a period of

more than 15 days. This does not prevent the Court from making consecutive orders remanding the young person in custody that result in the young person remaining in custody for longer than 15 days.

COURT DETENTION ORDER

- 4.6. The Court may order that the young person serve a term of detention or imprisonment.

PERIODIC DETENTION ORDER

- 4.7. The Court may order that the young person serve a term of detention periodically.

CHECKING WARRANTS

- 4.8. Before admitting a young person to the centre, staff must be satisfied that the details in the warrant are correct and that the young person identified in the warrant is the young person to be admitted into the centre.
- 4.9. Where police deliver a young person to the centre and state that the authority to detain the young person has been received via telephone from a court or Judge, staff are to refer to the minimum information required on a warrant prior to accepting the young person.
- 4.10. If a staff member has any concerns regarding the accuracy or validity of a warrant, the matter must be immediately referred to the Officer in Charge before the young person can be accepted into the centre. The Youth Justice Officer must request that the Escort Officer, or police, wait whilst the matter is referred to the Officer in Charge.

5. Admission

- 5.1. Young people are particularly vulnerable when they first arrive at a youth detention centre. This means that admission is a high risk period for young people—they may be at increased risk of self-harm or suicide.
- 5.2. A young person must be given access to a telephone call within the first 24 hours of admission, and this must be recorded on the admissions checklist and uploaded to IOMs on completion.
- 5.3. It is imperative that staff establish rapport with the young person, minimise the young person's anxiety or distress, and provide relevant information to the young person to assist their transition into custody. Staff must ensure vigilant supervision of the young person during the admissions process.
- 5.4. It is essential that staff model respectful, appropriate and positive behaviour towards young people and encourage them to replicate the same behaviours. Refer to *Youth Justice Policy Determination 4.8: Positive Behaviour Support* for further guidance on positive behaviour management strategies.

Fitness for Admission

- 5.5. Where a young person is deemed unfit for admission into the centre, staff must request the police maintain custody of the young person whilst the youth detention centre's Officer in Charge is notified.
- 5.5.1 The Duty Manager must complete an assessment of the young person's physical and mental condition prior to accepting the young person from police.
- 5.5.2 Check for any signs of physical injury, intoxication or drug taking which may require medical attention. In these situations the police are obliged to ensure a young person receives adequate medical attention before admission to the Centre.
- 5.5.3 If the Duty Manager determines the young person being admitted into the centre is affected by any condition as outlined in this section, the young person is not to be admitted into the centre until a medical certificate is provided by police, stating the young person is fit for custody.

Reception

- 5.6. On receiving a young person at a detention centre, staff must explain to the young person:
 - (1) The admissions process;
 - (2) Their rights and responsibilities in detention; and
 - (3) How they can access the range of support services available to the young person.
- 5.7. Staff are to communicate with the young person and make appropriate observations, to identify any issues that are causing particular distress or difficulties. If there are any immediate issues identified, the Officer should attempt to address them, while maintaining security and safety.
- 5.8. Staff will make all reasonable efforts to confirm the young person's date of birth on admission.
- 5.9. A photograph of the young person must be taken on each initial admission and uploaded into IOMS.
- 5.10. A notification letter for the young person's parents, caregivers or responsible adult must be prepared.
- 5.11. If the young person has been identified as being at risk by a court, the Youth Justice Officer must refer to *Youth Justice Policy Determination 5.1: Young People At Risk* and the *Procedure: Identifying and Managing Young People At Risk*.
- 5.12. When a young person arrives at a detention centre through a Police Watch house, a Custody Health Assessment completed by the Police will form part of the young person's admission documentation. Staff should be aware that police assess all young people as 'at risk', however, this does not necessarily mean that a young person is at risk of self-harm or suicide. Youth Justice Officers must make their own assessment using the Initial Risk Needs Assessment about a young person's risk of self-harm or suicide, **unless the young person is noted 'at risk' by a health professional on the Custody Health Assessment.**

Searches

- 5.13. When entering a detention centre on admission, or re-admission following a transfer from another centre or a leave of absence, a young person will be directed to undergo a screening or pat down search.
- 5.14. All searches must be conducted in accordance with *Youth Justice Policy Determination 2.1: Searches*.

Personal Property

- 5.15. Personal property will be secured and recorded and returned to the young person on release.

Initial Risk Needs Assessment

- 5.16. The Initial Needs Risk Assessment must be completed with the young person. The assessment should be conducted in an appropriate manner, giving consideration to the young person's culture, age, development level, maturity and health. If the Youth Justice Officer identifies that a young person is at risk of suicide or self-harm the Emergency Management Protocol (Regulation 42 of the *Youth Justice Regulations 2006*) must be enacted and *Youth Justice Policy Determination 5.1: Young People At Risk* must be followed.

Health Screening

- 5.17. All young people admitted into a detention centre must be screened by the Primary Health Care Provider within 24 hours of being admitted.
- 5.18. Where a young person is admitted into the centre during the evening and they are scheduled to attend court the next morning, the Primary Health Care Provider must perform a wellbeing check on the young person **before** the court escort.

Induction

- 5.19. The induction process is critical and must be completed within 24 hours of the young person's admission into the centre. It may be delivered in several stages and different staff may complete different sections of the process where appropriate.
- 5.20. Induction is a priority and, unless exceptional circumstances exist, takes precedence over structured day attendance.
- 5.21. During the induction process, the young person must be advised of the following:
- (1) Why they have been detained;
 - (2) How long they are to be detained;
 - (3) How they can access legal services;
 - (4) Cultural and religious support are available;
 - (5) Programs and activities that are available;
 - (6) Daily routines;
 - (7) Rules governing the youth detention centre;
 - (8) Types of behaviours that are supported and not supported within the centre;
 - (9) Types of behaviour for which a young person may be disciplined;
 - (10) Rights and responsibilities of the young person;
 - (11) Ways in which the young person can communicate with their family and support network;
 - (12) Avenues for lodging grievances and complaints; and
 - (13) The obligation of staff to report any harm (including the definition of harm) young people may experience during detention.
- 5.22. Staff should ensure that this information is delivered in a manner appropriate to the young person's age, developmental level, maturity, health, culture and language abilities.
- 5.23. Where possible, any resources provided to the young person should be designed or communicated in a way that the young person can understand.

Use of Interpreters

- 5.24. Where possible an interpreter should be provided for any young person who does not have a sufficient understanding of English. Refer to the *Guidance: Using Interpreters, Translators and Assisted Communication Services* for information about how to determine if a young person requires an interpreter and how to arrange one.

6. Release

- 6.1. It is essential that throughcare planning for young people commences immediately upon admission into the centre. Throughcare planning should include the young person's parents/caregivers and support network where appropriate. Refer to *Youth Justice Policy Determination 4.1: Case Management, Assessment and Throughcare Services* for further guidance.

Early Release

- 6.2. A young person may apply for an early release from a youth detention centre where there are genuine compassionate grounds or where the early release will facilitate the young person's return to their place of residence or intended residence. The young person must apply to the Manager Youth Justice Operations—Superintendent who will assess the application. The Manager Youth Justice Operations—Superintendent may only approve an early release of up to 48 hours.
- 6.3. Regardless of the outcome, the Manager Youth Justice Operations—Superintendent will inform the young person of the outcome of their application.

Delayed Release

- 6.4. A young person may request to remain in a youth detention centre until the morning after their scheduled release date. Any such request must be in writing, signed by the young person and witnessed by a person who is not a member of staff. The Manager Youth
- 6.5. Justice Operations—Superintendent will consider all applications appropriately and advise the young person of the outcome. If a young person is unwell on their scheduled release date the Manager Youth Justice Operations—Superintendent may, on the recommendation of a medical practitioner, permit the young person to remain the centre until suitable arrangements can be made for the young person's release.

7. Records Management

- 7.1. All admissions and releases must be accurately recorded on IOMS.

Legislative Basis and Related Documents

[Youth Justice Act 2005](#)

[Youth Justice Regulations 2006](#)

Youth Justice Policy Determination 2.1: Searches

Youth Justice Policy Determination 4.1: Case Management, Assessment and Throughcare Services

Youth Justice Policy Determination 4.8: Positive Behaviour Support

Policy Determination 5.1: Young People at Risk

Procedure: Identifying and Managing Young People At Risk

Current Version v1.4

			HPRM (TRIM)	61:F2020/612
Approver:	Executive Leadership Group on:	24 June 2020	Active from:	01 July 2020
Update:	Update to include the the provision of a phone call to a young person within the first 24 hours of admission to a detention centre.			
Review due:	July 2022	Maintenance:	TF.YouthPolicy@nt.gov.au	

Previous Versions:

Version	Active from:	Update
1.3	31 January 2020	Update to include information on the use of interpreters and include staff checking a young person's date of birth on admission 61:F2020/612
1.2	04 April 2019	Update to include information on the use of interpreters and include staff checking a young person's date of birth on admission 61:F2020/612
1.1	December 2018	Legislative amendment May 2018
1.01	January 2018	Update to policy determination references and position title
1.0	January 2018	New Youth Justice Policy Determination approved by Deputy Chief Executive Officer Operations