COPP 13.1 Release

Youth Detention Centre

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| Principles In context of the [Australasian Youth Justice Administrators Standards, 2009](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx):  Services to reduce reoffending are delivered within the context of family and support networks  Children and young people are diverted appropriately from the juvenile justice system  Staff demonstrate organisational, professional and ethical values and behaviour |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all Custodial Officers and staff employed to work at a Youth Detention Centre (YDC) and the Perth Children’s Court Custody Centre.

# Policy

The purpose of this document is to establish clear standards and procedures around the administrative processes of release of a detainee from a YDC.

Detainees may be released from a YDC for the following reasons:

1. court finalised all pending charges[[1]](#footnote-2)
2. court has imposed a community-based order
3. court has imposed bail (i.e. via a responsible person, supervised bail, personal undertaking)
4. granting of a Supervised Release Order (SRO)
5. expiry of detention sentence
6. approved early discharge from detention[[2]](#footnote-3)
7. transfer to an adult prison in accordance with s.50(b) or s.178 of the *Young Offenders Act 1994*.

The release of a detainee shall occur in consultation with the parents, caregivers, significant others, or other service agencies/providers who will accept responsibility of the detainee.

This document details the processes to identify, plan and manage the release of detainees through a rigorous recording and reporting regime which provides transparency and accountability.

# Procedures

## Discharge process

### The Senior Officer shall ensure the following discharge notifications, warrant information checks, and relevant paperwork is completed, endorsed and recorded on the Total Offender Management Solution (TOMS) and/or forwarded to the detainee’s file:

1. [Discharge Checklist](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form
2. [Early Discharge from Detention](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form, if applicable
3. transfer and discharge sheet on TOMS
4. offender movement on TOMS
5. active warrants or any other legal documentation that would prevent release from detention (check the detainee’s file and Integrated Court Management System (ICMS))
6. discharge interview
7. any at-risk requirements
8. advise the Victim Mediation Unit in accordance with the requirements of the Victim Notification Register (ANCOR) Alert on TOMS, if applicable
9. Australian National Child Offender Register P308 form is served on the detainee, if there is an active alert on TOMS
10. property receipt
11. gratuities receipt
12. deactivate the detainee’s telephone numbers on the Detainee Telephone System (DTS).

### The Movements Coordinator shall ensure the relevant staff, including Unit Managers, medical, and psychological staff are notified by email of the date and time of any intended release of a detainee from detention.

### The Movements Coordinator shall notify the gratuities clerk by email of the date of the detainee’s release from detention to ensure all gratuity exit payments are processed.

### The detainee’s property shall be managed in accordance with [COPP 4.1  –  Property.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

### The Movements Coordinator shall email Health Services to confirm whether there are any outstanding medical requirements for the detainee and medication shall be managed in accordance with Health Services Procedures.,

### The Senior Officer shall provide the detainee with their personal clothing (as documented on the detainee’s property checklist) and ensure all YDC clothing is retained.

### The Senior Officer shall ensure all escort/travel arrangements have been completed by the Case Planning and Program Unit (CPPU) for sentenced detainees’ (in accordance with the detainee’s discharge plan) prior to their release from detention.

### The Movements Coordinator shall be responsible for travel arrangements for remand detainees, refer [COPP 10.1 – Scheduling Escorts.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

### The Custodial Officer escorting the detainee to the YDC Gatehouse for discharge shall provide the Senior Officer allocated to the Gatehouse with the endorsed Offender Movement Information (OMI) sheet.

### The Senior Officer allocated to the Gatehouse shall complete the gate offender movement on TOMS to ensure the detainee is removed from the population count and document the detainee details as discharged or released in the Gatehouse Log Book (following completion of the required documents, refer section 3.1).

## Discharge of a detainee with an at-risk status

### If an active/current ‘at-risk’ alert exists for a detainee at their point of discharge, the Senior Officer Admission and Discharge shall complete an ‘At-Risk’ notification letter, which will be addressed to the receiving/designated caregiver (e.g. parent/responsible adult).

### Furthermore, appropriate notification can also be given to one or more of the following who may also be involved in managing the detainee YDC once they transition back into the community:

1. Department of Communities, Child Protection and Family Support (CPFS)
2. Child and Adolescent Mental Health Services (CAMHS)
3. Metropolitan Youth Bail Services (MYBS)
4. Manager, Youth Justice Services Centre responsible for managing the detainee in the community (supervised release only).

### All detainees are provided with a pamphlet containing information on suicide and self-harm prevention and a card containing useful helplines and advice on mobile phone applications which can connect them to vital services in the community.

## Discharge of a detainee from court including granted bail

### The YDC Movements Coordinator shall liaise with Perth Children’s Court (PCC) and seek clarification of the court outcome, in the event a detainee attends PCC, and all charges are finalised.

### The YDC Movements Coordinator will review TOMS (and the detainee’s file) to ensure any outstanding/pending charges are noted on the current remand warrant and corresponding bail paperwork.

### When discharging a detainee from PCC, the Movements Coordinator will confirm (via e-mail) that the process detailed in [COPP 12.1 – Management of Perth Children’s Court Custody Centre](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) has been completed.

### The Senior Officer shall ensure all bail provisions are formalised and there are no outstanding warrants.

### A detainee shall not be scheduled for release from detention, in the event there are future charges where bail is not granted.

### When it is established, bail can be facilitated, the Movements Coordinator shall notify the Senior Officer of the intended release from detention by email.

## Discharge of detainee granted a Supervised Release Order (SRO)

### All detainees eligible for release on an SRO shall appear before the Supervised Release Review Board (SRRB), unless where a detainee has declined to be considered, in which case, CPPU shall advise the Superintendent and liaise with the relevant Youth Justice Officer (YJO).

### The CPPU shall liaise with the relevant YJO and/or other agency/service provider representative to ensure all release plans are finalised prior to the detainee’s departure from detention.

### The CPPU shall forward the relevant SRO and any travel schedule and transport plans to the Movements Coordinator, upon receiving confirmation of a detainee’s SRO.

### The CPPU will confirm all travel plans with the relevant YJO, parent or caregiver, prior to the day of discharge.

## Early discharge of a detainee

### The Superintendent has the authority to authorise the early discharge of a detainee from the YDC, up to 3 days prior to the detainee’s release and expiry of their sentence.[[3]](#footnote-4)

### The CPPU shall ensure the [Early Discharge from Detention](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form is generated for eligible detainees.

### The CPPU when generating the [Early Discharge from Detention](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form, shall advise the YJO case manager that the detainee is being considered for early discharge and provide possible new release dates.

### The CPPU shall record concerns raised by the YJO (if any) on the [Early Discharge from Detention](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form and endorse, prior to forwarding the form to the Unit Manager.

### The Unit Manager or responsible Senior Officer shall review and endorse, the [Early Discharge from Detention](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form and forward to security for their review and endorsement and return to the CPPU.

### The CPPU shall submit the [Early Discharge from Detention](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form to the Assistant Superintendent Operations, or responsible Senior Officer who shall endorse any recommendation(s) prior to forwarding to the Superintendent for final approval.

### The Superintendent shall approve the [Early Discharge from Detention](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form prior to returning to the CPPU.

### The CPPU on receiving the approved [Early Discharge from Detention](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form, shall complete the following:

1. forward a copy of the form to the Sentence Information Unit (SIU) and attach the original [Early Discharge from Detention](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form to the detention warrant on the detainee’s case file
2. if early discharge has not been recommended, attach the [Early Discharge from Detention](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form to the detention warrant on the detainee’s case file (the form is not required to be sent to SIU).

### Once the Superintendent has made a decision regarding the early discharge from detention, the following arrangements can commence:

### regional detainees – arrange travel to their home or

### metropolitan detainees - liaise with the YJO to organise pick up from the YDC.

## Discharge of a detainee aged 17 years or over

### All sentenced detainees aged 17 years or over who are discharged shall have an [Information on a Detainee over 17 years of age, from Youth Custodial Services](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form completed.

### The CPPU shall complete an [Information on a Detainee over 17 years of age, from Youth Custodial Services](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form, when a sentenced detainee, aged 17 years or over is discharged from the YDC.

### The completed form is to be placed on the detainee’s file at the time of their release from detention.

### The CPPU shall forward the completed file to the Records Officer for filing and storage.

### An [Information on a Detainee over 17 years of age, from Youth Custodial Services](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form is not required to be completed for Arrest and Remand status detainees aged 17 or over.

### Within 24 hours of receiving a request for information on a detainee from a prison, the Senior Officer shall be responsible for ensuring the completed [Information on a Detainee over 17 years of age, from Youth Custodial Services](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) is:

1. forwarded to the requesting prison
2. placed in the Prison’s Information File with the attached confirmation email or fax receipt sent to the requesting prison.

### The YDC Movements Coordinator or responsible Senior Officer shall forward a copy of the form and the attached email or fax receipt confirmation to the Records Officer who shall place the documents in the detainee’s file.

# Annexures

## Related COPPs

* [COPP 4.1 – Property](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 10.2 – Scheduling Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 12.1 – Management of Perth Children’s Court Custody Centre](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

## Definitions and acronyms

| Term | Definition |
| --- | --- |
| Assistant Superintendent | Officers designated by the Superintendent to be an Assistant Superintendent of a YDC. |
| At-Risk Management System (ARMS) | The At-Risk Management System is the Department's multi-disciplinary suicide prevention strategy for offenders. The tri-level system includes:   * Primary prevention - strategies to create physical and social environments in the detention centre that limits stress on detainees. * Secondary prevention - strategies to support detainees at statistically higher risk of self-harm or suicide. * Tertiary prevention - strategies aimed directly at individuals identified as at risk of self-harm or suicide. |
| Australian National Child Offender Register (ANCOR) | A web-based application that allows Australian police to record and share child offender information. The register allows authorised police officers to register, case manage and share information about registered persons. |
| Case Planning Program Unit (CPPU) | The CPPU are responsible for liaising with the relevant Youth Justice Officer (YJO) to ensure all release plans are finalised prior to the detainee’s release from detention. |
| Child and Adolescent Mental Health Services | A division of the Child and Adolescent Health Service that offers support, advice and treatment to young people and their families who are experiencing mental health issues |
| Commissioner’s Operating Policy and Procedure (COPP) | Operational Instruments that provide instructions to staff how the relevant legislative requirements are implemented. |
| Community Based Order | A non-custodial order utilised by Courts to manage offenders whilst they remain in the community, in accordance with section 76 Young Offenders Act 1994. |
| Youth Custodial Officer (YCO) | In accordance with section 11 (1a) (a) of the *Young Offenders Act 1994*, a Youth Custodial Officer is a person appointed as a custodial officer for non- administrative functions. |
| Department of Communities, Child Protection and Family Support | A WA state government department responsible for providing a range of child safety and family support services to Western Australian individuals, children and their families |
| Detainee | Means a person who is detained in a detention centre as defined in section 3 of the Young Offenders Act 1994. |
| Detainee Telephone Service System (DTS) | The Detainee Telephone System is a standalone application which runs independently to other applications at the Youth Detention Centre. |
| Guiding Principles for Corrections in Australia, 2018 | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Integrated Courts Management System (ICMS) | The electronic records system that records court results and details of court appearances and is utilised to generate warrants etc. |
| Metropolitan Youth Bail Services (MYBS) | Diversion initiatives aimed at diverting children and young people aged 10 to 17 years who have committed offences away from contact with the formal, statutory youth justice system wherever possible and appropriate. Diversion options include informal warnings issued by police and referrals to juvenile justice teams. |
| Movements Coordinator | The Officer responsible for preparing and providing detainee movements information. This includes completing and collation of the paperwork and associated TOMS records necessary to facilitate the transfer, movement and release of detainees. |
| Officers and Employees of Particular Classes | The following descriptions of classes of officers and employees are prescribed for the purpose of section 11(1a)(b) of the *Young Offenders Act 1994*, in regulation 49(2) of the *Young Offenders Regulations 1995*:  (a) Medical staff persons who have undergone medical, nursing or health training and hold qualifications indicating successful completion of that training.  (b) Teaching staff persons who provide recreation or sports supervision, teachers, vocational trainers and social trainers.  (c) Program support staff counsellors, program facilitators and librarians.  (d) Centre support staff cleaning staff, laundry staff, gardening staff, vehicle driving staff, maintenance staff and hairdressers. |
| PCC | Perth Children’s Court |
| Public Service Officer | An officer employed in the State Government Public Service, subject to Part 3 of the *Public Sector Management Act 1994* and includes such officers and other persons as are necessary to implement or administer this Act. |
| Senior Officer | A Youth Custodial Officer who is substantive to this rank, or a Unit Manager, or Youth Custodial Officer acting in the capacity of Senior Officer, appointed by the Chief Executive Officer with reference to section 11 of the *Young Offenders Act 1994* |
| Sentence Information Unit (SIU) | Responsible for the calculation of sentences and to receive  and hold all Warrants of Commitment sent to it by all prisons within Western Australia. |
| Staff | Any employee or officer of the Department of Justice, including a Public Service Officer, Youth Custodial Officer or an employee of a particular class; and any contractor who provides services to the Department of Justice. |
| Superintendent | In accordance with section 3 of the *Young Offenders Act 1994, ‘*The person in charge of a detention centre’. |
| Supervised Release Order (SRO) | An order made by the Supervised Release Review Board to release an offender from custody subject to conditions, in accordance with Division 2, section 32 of the *Young Offenders Act 1994.* |
| Supervised Release Review Board (SRRB) | Is responsible for determining the suitability of juvenile offenders (young offenders) for release from detention into the community on a Supervised Release Order (SRO) and to impose the conditions of that Order in accordance with Division 3, section 151 of the *Young Offenders Act 1994* |
| Total Offender Management Solution (TOMS) | The computer application used by the Department of Justice for the management of detainees in custody. |
| Unit Manager | A Youth Custodial Officer substantive to this rank or Youth Custodial Officer acting in the capacity of Unit Manager, appointed by the Chief Executive Officer with reference to section 11 of the *Young Offenders Act 1994*. |
| Victim Mediation Unit | A Corrective Services unit that offers mediation between victims and offenders. |
| Victim Notification Register | An information service for victims of crime to provide information about an offender under the supervision of the Department of Corrective Services and any changes in their circumstances. |
| Youth Detention Centre (YDC) | A gazetted detention centre declared by the Minister to be a detention centre to accommodate male and female, remanded or sentenced detainees, refer s. 13 *Young Offenders Act 1994*. |
| Youth Justice Officers (YJOs) | Youth Justice Officers case manage young people who offend subject to community supervision orders. |
| Youth Justice Services (YJS) | A Department of Justice Directorate responsible for the safety, security and rehabilitation of young people engaged with YJS services in the community.  YJS also work collaboratively with Adult Justice Services to case manage young people in custody. |

## Related legislation

* *Young Offenders Act 1994*
* *Young Offenders Regulations 1995*

# Assurance

It is expected that:

* The YDC will undertake local compliance in accordance with the [Operational Compliance Manual.](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx)
* Women and Young People, Head Office will undertake management oversight as required.
* Operational Compliance Branch will undertake checks in accordance with the [Operational Compliance Framework.](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx)
* Independent oversight will be undertaken as required.

Document version history

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1. s. 67 *Young Offenders Act 1994*  [↑](#footnote-ref-2)
2. s. 176 *Young Offenders Act 1994* [↑](#footnote-ref-3)
3. s. 176 *Young Offenders Act 1994* [↑](#footnote-ref-4)