

Youth Justice Policy Determination 2.2: Prohibited Items

REFERENCE	61:F201/286-5	
POLICY APPROVER	Name Title	Jeanette Kerr Deputy Chief Executive Officer Operations
	Date	4 January 2018
POLICY OWNER		Executive Director Youth Justice
POLICY RESPONSIBILITY		Senior Director Youth Justice Programs
IMPLEMENTATION RESPONSIBILITY		Manager Youth Programs - Superintendent

Document Control

VERSION HISTORY	EFFECTIVE DATE	REASON FOR UPDATE
Version 1.01	January 2018	Update to position titles
Version 1.0	January 2018	Deputy Chief Executive Officer Operations approval

NEXT REVIEW DATE	January 2020 or as directed prior to the scheduled review date.
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Policy Purpose

To ensure a safe environment for all staff, visitors and young people in detention by maintaining systems and processes for the identification, storage, destruction and disposal of prohibited items.

Authority / Responsibility

The Executive Leadership Group and Senior Managers have responsibility for ensuring that supervisors and employees understand and comply with this policy.

This policy applies to all Youth Justice Officers, Senior Youth Justice Officers, Shift Supervisors, the Manager Youth Programs - Superintendent and Assistant Manager Youth Programs - Deputy Superintendent.

Policy Statement

Young people in detention, visitors to the facility and detention centre staff must be made aware of the categories of items that are prohibited in the detention centre, unless possession of an item has been specifically authorised by the Manager Youth Programs - Superintendent. Prohibited items will be confiscated from the person possessing the material and appropriately stored or disposed of by the Manager Youth Programs - Superintendent or a delegated officer. Possession of illegal items may also result in prosecution in a court of law.

Prohibited Items

Prohibited Items includes, but is not limited to, prohibited items in a young person's possession, prohibited items found in the possession of detention centre visitors or staff, or prohibited items discovered in a young person's living space, or a common area.

In making a decision as to whether an item is prohibited in the detention centre under one of the categories listed above, detention centre staff should use their professional judgement.

More broadly any item that may have a detrimental influence or effect on young people in detention, visitors or staff of the detention centre may be considered a prohibited item and confiscated. This includes any item that might reasonably constitute a threat to national security, the security and good order of the detention centre, to the wellbeing of a detainee, visitor or staff member, or any item that would be unlawful under a law of the Territory the Commonwealth or a State.

Seizures of Prohibited Items

A Youth Justice Officer must seize any of the following items:

- A prohibited item found on a person or in a person's possession, unless the person has written permission from the Manager Youth Programs - Superintendent;
- Anything found at a youth detention centre, or in a vehicle used to transport young people, that the Youth Justice Officer suspects on reasonable grounds:
 - Is being used, or is intended to be used, for the commission of an offence or act of misbehaviour;
 - Jeopardises, or is likely to jeopardise, the safety and security of the young person or other people.

If a Youth Justice Officer seizes an item, or is given an item by a medical practitioner (in the case of a body search), the item must be placed in an evidence bag and an entry made into the Prohibited Items Register. The entry must include the following information:

- Date and time of seizure;
- Name of the Youth Justice Officers who conducted the search and seized the item;
- The location where the item was found;
- Details of any people believed to be connected to the item;
- Whether the police have been contacted in relation to the seizure;

- Disposal actions; and
- Name of authorising Officer.

Any items seized must be stored in a secure location with restricted access.

The Manager Youth Programs - Superintendent must determine what action should be taken in relation to the seized item. The Manager Youth Programs - Superintendent may order:

- For the destruction or disposal of the item;
- That the item be returned to the owner;
- That the item be placed in the young person's property and returned to the young person upon their release from detention; or
- In the case of monies, paid to the Receiver of Territory Monies as unclaimed monies.

SEIZURES OF ILLEGAL SUBSTANCES OR DRUG PARAPHERNALIA

If a Youth Justice Officer discovers an item that is believed to be an illicit substance or drug paraphernalia, the Officer must place the item in an evidence bag, label the bag accordingly and hand deliver the bag to the Assistant Manager Youth Programs - Deputy Superintendent or Manager Youth Programs - Superintendent (or Officer in Charge if after hours). The Youth Justice Officer must accurately complete the Prohibited Items Register.

The Manager Youth Programs - Superintendent, or Officer in Charge, must report the seizure to the Northern Territory Police.

The item is to be placed in a safe, where it is to remain until the next available opportunity to transfer the item to the Northern Territory Police.

When the item is collected as evidence by Northern Territory Police, the Police Officer must sign the Prohibited Items Register acknowledging they have taken possession of the item.

SEIZURES FROM VISITORS, CONTRACTORS OR STAFF

If a prohibited or illegal item is found in the possession of a visitor, contractor or staff member, they may be instructed to remain onsite and await the attendance of police. If they refuse to remain, the police must still be notified and all details of the person are to be provided to the police.

Employees found possessing a prohibited item or an item that is unauthorised in the youth detention centre will be subject to disciplinary action.

Incident Management and Reporting

The disposal or destruction of prohibited items, including drugs and drug paraphernalia, will be in accordance with [Youth Justice Policy Determination 2.3: Incident Recording and Reporting](#). Disposal of items not considered as evidence for a police investigation will occur within five (5) days of the discovery of the prohibited items.

The Manager Youth Programs - Superintendent is to ensure the Prohibited Items Register is maintained with the following information recorded for every prohibited item seized:

- Date, time and place of search
- Description of anything seized
- Name of person searched, room or cell number, or licences
- Number of vehicle that was searched
- Name of person(s) conducting the search and the name of all witnesses (if any)
- Reason for the search
- Disposal action; and
- Authorising officer.