

# Accommodation of Young People and Young Adults

Youth Justice Policy Determination 4.2

<b>Document title</b>	Accommodation of Young People and Young Adults - Youth Justice Policy Determination 4.2	Version 2.0
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<b>Approved by</b>	Executive Leadership Board	
<b>Date approved</b>	31/03/2021	
<b>Document review</b>	24 months from date of approval	
<b>TRM number</b>	61:TFD2021/0025194	

Version	Active from	Author	Changes made
1.0	1/01/2018	Operational Policy	First Version
1.1	15/01/2018	Operational Policy	Update information on transfers, Update to position titles and policy determination references
1.2	4/04/2018	Operational Policy	Removal of transfer instructions into 2.6 Escorts and transfers
2.0	31/03/2021	Operational Policy	Updated title and content to include clarification of the assessment process for a YP who turns 18 while in detention.

Acronyms	Full form
CCIS	Community Care Information System
CEO	Chief Executive Officer
ELB	Executive Leadership Board
IOMS	Integrated Offender Management System
IRNA	Individual Risk Needs Assessment
NT	Northern Territory
NTCS	Northern Territory Correctional Services
TFHC	Territory Families Housing and Communities
the Act	Youth Justice Act 2005
SATS	Specialist Assessment and Treatment Services
Y2A	Youth to Adult

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## 1. Policy Purpose

- 1.1. The purpose of this policy is to establish guidelines for the safe and supportive placement, accommodation and transfer of young people in detention.

## 2. Authority / Responsibility

- 2.1. This policy applies to all staff working in a youth detention centre.
- 2.2. Section 168A of the [Youth Justice Act 2005](#) provides the authority for the transfer of a young person to another detention centre. Refer to [Youth Justice Policy Determination 2.6 Escorts and Transfers](#).
- 2.3. Section 164 mandates that a young person who turns 18 while in detention must be transferred to a custodial correctional facility for the remainder of their sentence, and also provides for the CEO to allow a young person to serve the remainder of their custodial sentence or period of remand in youth detention, provided that this is in the interests of other detainees as well as the young person concerned.
- 2.4. The Superintendent is responsible for the management of this policy determination.

## 3. Policy Statement

- 3.1. Young people should be accommodated in an environment that is safe and supportive of their wellbeing and development and the safety and wellbeing of others accommodated or working in the centre.

## 4. Placement in Detention

### *General Principles*

- 4.1. When available and appropriate, young people in detention will be provided with single room accommodation. However, if a young person in detention is identified as having a specific need, the staff member/s determining accommodation placement must assess whether or not the young person's needs are best supported by placement in a single room accommodation or in accommodation shared with other young people.
- 4.2. All decisions regarding accommodation of young people in detention must be made on a case by case basis, and in the context of the young person's safety and needs. A Youth Justice Officer should evaluate information regarding young people in detention when making decisions about them being with others, or accommodated with other young people.
- 4.3. A young person must not be placed in accommodation with others if their behaviour or offending history indicates that this may cause any risk to another young person in detention.
- 4.4. A young person should be consulted, where possible, regarding their accommodation placement. Consultation will be considerate of a young person's cultural and linguistic needs, any identified risks or conflicts with other young people or family members in detention, or a young person's request for accommodation changes for appropriate or relevant reasons, e.g. their safety, to avoid conflict, mitigate risks or to maintain their Centre Cycle level.
- 4.5. If a young person entering detention is identified by the Local Court as 'at risk', the Court will make a *Prisoner at Risk Order* in accordance with [Practice Direction 12 - Prisoners at Risk of Harm](#). A Youth Justice Officer will then initiate the 'At Risk' Procedure. Refer to the [Youth Justice Policy Determination 5.1: Young People At Risk](#) and the [Procedure: Identifying and Managing Young People at Risk](#).
  - Risks identified by the Court may include one or more of the following:

- At risk of self-harm (*Practice Direction 12.3*); or
- At risk of harm from a medical or physical condition (*Practice Direction 12.4*); or
- At risk of harm from another detainee (*Practice Direction 12.5*).

#### *Female Young Person*

- 4.6. Female young people in detention are to be provided with careful attention to their personal needs and requirements. Female young people must be accommodated separately from male young people in detention, in order to ensure the safety and protection of all young people.
- 4.7. Staff are to refer to [Youth Justice Policy Determination 4.5: Supporting Girls and Young Women](#).

## 5. Process

- 5.1. To determine the most appropriate accommodation for the young person on admission, to ensure the safety and protection of all young people, a Youth Justice Officer needs to complete an *Individual Risk Needs Assessment (IRNA)* for the young person, which brings together information from police, the Court and IOMS (previous escape/attempted escape history).
- 5.2. Accommodation decisions are based on several assessed factors, including the Centre Cycle rules and the young person's:
- age;
  - peer relationships;
  - physical and mental health;
  - substance abuse/withdrawal or addictions issues;
  - physical or intellectual (cognitive or developmental) disabilities;
  - Cultural and linguistic needs;
  - Sexual orientation and gender identity;
  - Past behaviour in police custody (where relevant);
  - Risk of self-harm or suicide;
  - Risk of harm from other young people or young adults in detention; and
  - Risk of harming other young people or young adults in detention.

## 6. Minimum Living Conditions

- 6.1. The Manager Youth Programs - Superintendent must ensure the following minimum living conditions for young people and young adults are provided within a place of detention:
- Sufficient suitable underclothing and outer clothing that is laundered regularly;
  - Suitable clean, hygienic and reasonably private facilities for personal hygiene;
  - Clean, comfortable and reasonably private beds and bedding;
  - Access to open air and exercise; and
  - Access to health services, daily medications, disability supports and any other relevant supports.
- 6.2. The young person's or young adult's minimum entitlements must not be affected by action taken under the Centre Cycle Program, e.g. through the withdrawal of privileges.

6.3. Refer to [the Youth Justice Policy Determination 4.6: Incentives and earned privileges \(Centre Cycle Program\)](#) and the [YCD Procedure – Incentives and earned privileges \(Centre Cycle Program\)](#).

## 7. Transfer of Young people who turn 18 years of age while in detention

- 7.1. S164 (1)(2) of the [Youth Justice Act 2005](#) mandates that a young person who turns 18 years of age: while serving a sentence in detention; or while on remand in custody of a detention centre; must be transferred to an adult correctional facility within 28 days.
- 7.2. At least one month prior (unless not possible for operational reasons) to the anticipated transfer of the young person from a youth detention centre to an adult correctional facility, a case conference is to be convened to discuss the transition and detailed management of the young person.
- 7.3. For young people identified with complex needs, a case conference must be convened at least three (3) months prior (unless not possible for operational reasons) to the transition from a youth detention centre to an adult correctional facility, and if necessary, up to six months prior. This period is determined by the Senior Case Coordinator (SATS) who will initiate contact with Northern Territory Correctional Service (NTCS) to develop the transition plan. If the young person is also in the Care of the CEO, the Care and Protection Case Manager will be invited to participate in the transition planning.
- 7.4. A transition plan, prepared by TFHC using the NTCS's *Youth to Adult (Y2A)* form, must include detailed information sufficient to ensure NTCS is informed of all needs and risks associated with the young person.
- 7.5. A representative of NTCS (transfer liaison) will engage, at least once, with the young person prior to transitioning, and more frequently as required for young people with more complex needs.
- 7.6. Transitions from youth detention to an adult correctional facility should be:
  - efficient
  - effective; and
  - focused on the needs of the young person.
- 7.7. When NTCS is informed of the young person's experience in detention, considerations are to include but not be limited to; the young person's behaviours (Centre Cycle level), their accommodation participation, relevant case notes, reportable incidents, and the young person's engagement with staff and stakeholders. At a minimum, attendees at a case conference will include:
  - A designated NTCS staff member;
  - A TFHC Youth Justice staff member familiar with the young person;
  - The Care and Protection Case Manager if the young person is also in the care of the CEO; and
  - A member of TFHC's Specialist Assessment and Treatment Services team (SATS).
- 7.8. When a young person's needs are more complex, transfer planning will require the attendance and participation of any involved case managers or coordinators, psychologists and Primary Health Care professionals at the case conference.
- 7.9. Prior to the transitioning of a young person, TFHC Youth Justice staff must notify family members of the transfer and provide the family with contact details for NTCS for the purpose of arranging visits or making general enquiries post transfer.

## 8. When a young person may remain in youth detention after turning 18

8.1. Section 164(4) of the [Youth Justice Act 2005](#) provides authority for the CEO of TFHC to direct that a young person may serve the remainder of their custodial sentence or period of remand in youth detention, after they turn 18 years of age, under the following circumstances:

- When the young person's sentence has 6 months or less remaining; or
- When their period of remand (in total or remaining) is 6 months or less;

And must have regard to:

- The best interests of other young people and the young adult; and
- Any other matter that the CEO considers appropriate.
- Decisions under s164(4) are not subject to appeal or review in any court or tribunal.

8.2. When the young person is about to turn 18 years of age, they must maintain and demonstrate good behaviour and participation levels, to meet the considerations in S164(5) of the Act. The Manager Youth Programs – Superintendent must assess the young person's suitability to remain in detention, having regard to the safety and interests of other young people in detention as well as the young person concerned, in order for the young person to remain in detention until their sentence, or period of remand is completed.

8.3. When the Manager Youth Programs – Superintendent recommends that a young person should remain in youth detention after they turn 18 years of age, approval for the recommendation must be sought in advance from the CEO.

8.4. When a young person is approved to remain in detention after turning 18 years of age, they must maintain good behaviour and participation levels. Any serious safety concerns (such as level 1 and 2 incidents) will require a review of a young adult's suitability to remain in a detention centre. A review requires the inclusion, at a minimum, of two of the following to proceed:

- A delegate of the Manager Youth Programs – Superintendent;
- a member of the SATS team;
- the Primary Health Care provider.

8.5. Any incident involving assault resulting in actual injury or harm on another young person or staff member will result in a transfer to an adult correctional facility at the earliest possible opportunity.

8.6. Refer to [Policy Determination 2.3: Incident Recording and Reporting](#), [Policy Determination 4.6: Incentives and earned privileges \(Centre Cycle Program\)](#), [YDC Procedure - Incentives and earned privileges \(Centre Cycle Program\)](#), and the [Centre Cycle Classification – Fact Sheet](#).

## 9. Legislative Basis and Related Documents

[Youth Justice Act 2005](#)

[Youth Justice Regulations 2006](#)

[Youth Justice Policy Determination 4.5: Supporting Girls and Young Women](#)

[Youth Justice Policy Determination 4.6: Incentives and earned privileges \(Centre Cycle Program\)](#)

[Youth Detention Centre Procedure – Incentives and Earned Privileges \(Centre Cycle Program\)](#)

[Centre Cycle Classification – Fact Sheet](#)

[Youth Justice Policy Determination 4.8: Positive Behaviour Support](#)

[Youth Justice Policy Determination 5.1: Young People at Risk](#)