

Youth detention centre

OPERATIONAL POLICY

Title: YD-2-4 Youth detention – Release of a young person

Policy statement

The department will ensure a young person is released from youth detention when there is a legal requirement to do so. This is when:

- they are granted bail with or without surety
- after being remanded in custody, they are:
 - found not guilty
 - found guilty and sentenced to a non-custodial order
 - found guilty and sentenced to a detention period discounted by the length of time on remand, and the period of detention imposed is equal to the time spent by the young person on remand
- the detention period of the detention order has been completed and the young person is to commence the supervised release order component
- the young person is returned to detention after a breach of a supervised release order and the period of the supervised release order expires
- a sentence review or appeal has resulted in a non-custodial order, or
- a writ of habeas corpus is issued by the Supreme Court in circumstances where the young person is being held illegally.

Principles

Youth detention centres must ensure:

1. that a young person is released when there is a legal requirement to do so
2. the prompt release of the young person on the day of the release
3. the release is legal
4. appropriate release processes are observed
5. the appropriate supervised release order steps have been followed and an intervention plan developed
6. appropriate levels of supervision are provided until the young person reaches their destination
7. appropriate records of the release are maintained.

Objectives

This policy applies to when a young person is being released from youth detention:

- on a community-based order
- after direction by a court order
- at the expiration of their detention period
- into police custody – with no expectation of return.

Scope

This policy applies to young people sentenced or remanded in a youth detention centre. It is to be read in conjunction with chapter two: Admission, external movement, transfer and release, Youth Detention Centre Operations Manual.

Roles and responsibilities

- Court management officer – quality assure the release date, advise relevant departmental staff of any inconsistencies, record a young person's confirmed release date in DCOIS, notify other detention centre staff of the young person's confirmed release date as relevant.
- Shift supervisor – oversee the release process, complete relevant approvals and recordkeeping requirements in DCOIS.
- Caseworker and team leader – reallocate the case to the youth justice service centre in ICMS.
- Executive director, youth detention centre – ensure practice complies with this policy.
- Director, Practice, Program and Design – review and update this policy as required.

Authority

Bail Act 1980

Youth Justice Act 1992

Youth Justice Regulation 2016

Definitions

For the purpose of this policy, the following definitions shall apply:

Term	Definition
Executive director	Means the director of the youth detention centre.

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Approved by: 1.0 Director-General (09 July 2013)
1.1 Director, Practice, Program and Design (16 November 2017)

Date of operation: 01 August 2013

Date to be reviewed: 16 November 2020

Office: Youth Justice Practice, Program and Design

Links:

[Australasian Juvenile Justice Administrators \(AJJA\) service standards for juvenile custodial facilities](#)

[United Nations Rules for the Protection of Young People Deprived of Their Liberty 1990](#)

[Youth Justice policies](#)