

# Youth detention centre

## OPERATIONAL POLICY

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

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### Policy statement

The department will ensure a young person is released from a youth detention centre (YDC) 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
- a writ of habeas corpus is issued by the Supreme Court in circumstances where the young person is being held illegally.

### Principles

#### 1. General principles

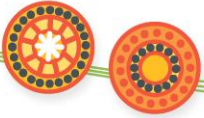
1.1 YDCs must ensure:

- that a young person is released when there is a legal requirement to do so
- the prompt release of the young person on the day of the release
- the release is legal
- the release is in accordance with the obligations under the *Human Rights Act 2019* to protect and promote the human rights of young people
- appropriate release processes are observed
- appropriate supervised release order steps have been followed and an intervention plan developed
- appropriate levels of supervision are provided until the young person reaches their destination
- appropriate records of the release are maintained.

### Objectives

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

- 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 YDC. 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 released date in DCOIS
  - notify other YDC 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.
- Team leader and caseworker:
  - reallocate the case to the youth justice service centre in ICMS.
- Executive director:
  - ensure practice complies with this policy.
- Director, Statewide Intel and Secure Services Support:
  - review and update policy as required
  - provide practice advice to support compliance with this policy.

## Authority

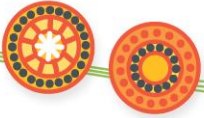
*Bail Act 1980*

*Youth Justice Act 1992*

*Youth Justice Regulation 2016*

## Delegations

Position	Delegation
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Regional Executive Director Director, Youth Justice Regional Operations Regional Director, Youth Justice Executive Director, Youth Detention Centre Manager, Youth Justice Service Centre Manager, Brisbane Court Unit, Youth Justice Manager, Youth Justice Court and Regional Operations Practice Support Team Coordinator, Youth Justice Service Centre Team Leader, Youth Justice Service Centre Court Coordinator, Youth Justice Service Centre	<i>Youth Justice Act 1992</i> Section 228 (1) – make an order (supervised release order) releasing child from detention. Impose or amend conditions of a supervised release order.



Caseworker, Youth Justice Service Centre	
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Regional Executive Director Director, Youth Justice Regional Operations Regional Director, Youth Justice Executive Director, Youth Detention Centre Manager, Youth Justice Service Centre Manager, Brisbane Court Unit, Youth Justice Manager, Youth Justice Court and Regional Operations Practice Support	<i>Youth Justice Act 1992</i> Section 228 (3) - Impose or amend conditions of a supervised release order.
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Director, Statewide Intel and Secure Services Support	<i>Youth Justice Act 1992</i> Section 263 (2) – Issue directions, codes, standards and guidelines for the security and management of detention centres and the safe custody and wellbeing of children in detention.
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Director, Statewide Intel and Secure Services Support	<i>Youth Justice Act 1992</i> Section 263 (5) – Comply with youth justice principles..

## Human rights compatibility statement

Youth Justice is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), Youth Justice has an obligation to act and make decisions in a way that is compatible with and properly considers human rights. When making a decision about the care and management of young people, decision-makers must comply with that obligation.

## Multicultural Queensland Charter

Youth Justice supports the [Multicultural Queensland Charter](#), established under the *Multicultural Recognition Act 2016* (Qld). The Charter seeks to promote Queensland as a unified, harmonious and inclusive community.

## Child safe standards

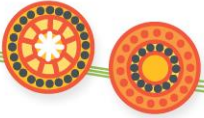
The Royal Commission into Institutionalised Responses to Child Sexual Abuse developed several national [child safe standards](#) for institutions and organisations working with children. Youth Justice is cognisant of these standards when considering operational practice guidelines and service delivery in community and youth detention centres.

## State disability plan

Youth Justice will work with our partners to build a fairer, more inclusive Queensland where people with a disability, their families and carers are able to access the same opportunities, on the same basis as everyone else. We will take actions to progress the priorities of the [All Abilities Queensland: opportunities for all](#) state disability plan and support improved access to services for Queenslanders with disability.

## Feedback and reflective practice

Youth Justice recognise that best practice is a constantly evolving process. The Youth Justice Framework for Practice posits that our values guide us in all aspects of our work, including a departmental commitment to continuous improvement and effectiveness. All Youth Justice staff are



encouraged to provide feedback about operational policy and procedure to inform routine review of our work to maintain a high standard of service delivery. Please make your views known through your management team or by emailing [YDCPracticeEnquiries@youthjustice.qld.gov.au](mailto:YDCPracticeEnquiries@youthjustice.qld.gov.au).

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<b>Date of operation:</b>	01 August 2013
<b>Date to be reviewed:</b>	3 years from the date of approval

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<b>Office:</b>	Statewide Intel and Secure Services Support
<b>Help contact:</b>	Secure Services Support <a href="mailto:YDCPracticeEnquiries@cyjma.qld.gov.au">YDCPracticeEnquiries@cyjma.qld.gov.au</a>

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## Communication strategy

- publish on intranet
- publish on internet
- advise staff to read
- supervisors discuss with direct reports

## Links

[Australasian Youth Justice Administrators \(AYJA\) service standards for juvenile custodial facilities](#)

[Human Rights Act 2019](#)

[Queensland Human Rights Commission](#)

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

Youth Detention Centre Operations Manual

Youth Justice delegations

Youth Justice policies

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Bob Gee  
Director-General