COPP 4.1 Property

Youth Detention Centres

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| Principles In context of the following  [Guiding Principles for Corrections in Australia, 2018](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx):  All detainee property and money is managed in a lawful, effective and accountable manner that respects the detainee’s entitlement s.  [Australasian Youth Justice Administrators Standards, 2009](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx):  Physical resources support safe and positive environments for staff, children and young people.  Custodial environments are safe and secure.  [Australian Human Rights Commission National Principles for Child Safe Organisations, 2018](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx):  Risk management strategies focus on preventing, identifying and mitigating risks to children and young people. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all Youth Detention Centres (YDC) Custodial Officers and staff.

# Policy

The Department has a responsibility to ensure that a detainee’s property is recorded, stored, transferred and managed in a safe and effective manner.

This COPP provides the policy and procedure for the receival, storage, disposal, transfer and return of a detainee’s property.

Detainee property may be brought into a YDC in a number of ways including:

1. on admission and transfer
2. via the Gatehouse or Reception
3. via incoming mail
4. through canteen purchases and town spends.

The Superintendent has the discretionary authority to approve what is accepted as detainee property and what shall be stored securely and returned to the detainee upon discharge or transfer or disposed of appropriately.

The Superintendent may refuse to keep inappropriate, excess or impractical property. Custodial Officers , in conjunction with Senior Case Managers from Case Planning and/or the Youth Justice Officer, shall work with the legal responsible adult of the detainee to, where practicable,make alternative arrangements.

The Superintendent may allow a detainee to retain certain personal items during their period of detention to promote a sense of personal identity. In accordance with [Youth Custodial Rule 9 Approved and Unauthorised Items (YCR9)](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx) the Superintendent must determine and approve personal items that detainees are permitted to keep in their possession. Detainees are responsible for all personal items in their possession.

The Superintendent shall authorise which staff have access to the area where property is stored.

# Items not to be Accepted

### As delegated by the Superintendent, the Custodial Officer must not accept the following items upon admission, transfer via the Gatehouse or Reception:

### items and materials classified as "Prohibited" in [Appendix A](#_Appendix_A_–_2) must not be accepted (in accordance with [YCR9](https://justus/intranet/prison-operations/Pages/youth-custodial-rules.aspx))

### an illegal or prohibited article

### if the item is considered to be a threat to the good order and security of the YDC

### the item may constitute a risk to the health and hygiene of the YDC

### the item is a consumable item

### unauthorised items (in accordance with [COPP 9.5 Approved and Unauthorised Items](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) and [YCR9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx))

### the Superintendent considers the item not practical for storage at the YDC.

### If the items listed in 3.1.1 are attempted to be brought into the YDC, the Custodial Officer shall contact the Superintendent or Officer in Charge (OIC) for further advice.

### The Superintendent, or OIC, may refuse to store any property they deem to be perishable, dangerous, or unhygienic and order that it be destroyed or otherwise be dealt with. A record of the order by the Superintendent or OIC shall be recorded on TOMS and the detainee shall be issued with written notification.

### Within seven days of admission a detainee can arrange to have unauthorised items, or items required by family and friends to be signed out without a visit being booked, provided the detainee has provided permission for the person(s) to receive the item(s).

# Property on Admission or Transfer

### Custodial Officers may receive detainee property on handover from the Western Australia Police Force (WAPF) or escorting staff on admission or transfer.

### The Senior Officer shall ensure that all property handed over is checked and verified against the property receipt supplied by the WAPF or escorting staff.

### Where there is a discrepancy between the property receipt and the property handed over, the escorting staff/Senior Officer shall immediately make enquiries.

### Where an item(s) has been seized by WAPF as evidence, the escorting staff/Senior Officer shall adjust the property receipt and sign noting the item has been seized.

### The Custodial Officer shall search all detainee property in accordance with [COPP 9.6 – Searching.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

### The Custodial Officer shall ensure all detainee property (including clothing) is recorded on the detainee’s TOMS 220 Property Record.

### Items shall be listed individually (including shoes) describing the colour, brand name, material type (if known), amount, condition, damage, etc.

### The detainee shall be requested to sign the TOMS 220 Property Record .

### The Custodial Officer shall ensure detainee personal clothing is laundered prior to storage.

### A Custodial Officer who discovers an illicit drug, illegal thing or substance in a detainee’s possession, or in a detainee’s cell, shall follow the Departmental [Policy for Gathering and Preservation of Evidence, Continuity of Exhibits](https://dojwa.sharepoint.com/Pages/security.aspx) and [Procedures for the Preservation of Evidence, Continuity of Exhibits, Drug Movements and Inventory Control.](https://dojwa.sharepoint.com/Pages/security.aspx)

### The Senior Officer shall ensure all medication brought into the YDC by a detainee on admission or transfer is recorded in the TOMS 220 Property Record including, the quantity, description including colour or markings, and name of medication, if known.

### The Health Services (HS) Clinical Nurse Manager shall be informed by the Senior Officer of any medication brought into the detention centre on admission or transfer.

### Medication shall be managed in accordance with [Health Services Policies.](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=health%20services%20policy%20and%20procedure&ql=3081)

### Where a HS review of detainee’s own medication is required, following review, the medication shall be returned to be stored with the detainee’s property.

### When valuable property, as defined under section 6.2, is received the Custodial Officer shall ensure two copies of the TOMS 220 Property Record is printed when property including valuables are received.

### If a detainee does not have valuable property, only one copy of the TOMS 220 Property Record is to be printed.

### The Custodial Officer shall sign the printed TOMS 220 Property Record (or both when two are printed) and request the detainee to check that the record is correct and then counter sign.

### If a detainee is unable to write, they should be asked to mark the record with a cross (X) in the presence of the Custodial Officer. If a detainee is unable to read, the Custodial Officer shall read the record to them prior to asking them to mark the record with a cross.

### The Custodial Officer shall witness the record with a signature and date. If a detainee refuses to sign the record, the Senior Officer shall sign and date the form and note the detainee’s refusal.

### Where the detainee has difficulty understanding instructions or information provided, either due to English not being their first language, refer to [COPP 2.2 – Cultural and Religious Requirements](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx), or based on cognitive or other impairments, it is the responsibility of staff to ensure that appropriate supports are used.

### The Custodial Officer shall ensure the signed TOMS 220 Property Record(s) is placed into the detainee’s file.

### Additional approved items received after admission or transfer shall be managed in accordance with section 5.

# Property Deposited at the YDC

### Property may be deposited at the YDC for a detainee.

### The following items have been approved by the Superintendent as items which detainees can have stored in their property and are therefore allowed to be accepted by the Custodial Officer assigned to the Gatehouse or Reception.

### These items shall be processed from the Gatehouse or Reception through Security:

### clothing for court appearances, authorised absences and release

### books and study materials for the purpose of education

### appropriate photographs, for example, photographs of pets and family members

### money to the value of $20.00 (i.e. per visitor) for each of the occasions of the detainee’s Birthday and Christmas

### money to the value of a single stereo purchase from the canteen; and

### items relating to spiritual or religious beliefs and practices refer to [COPP 2.2 – Cultural and Religious Requirements](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### The Custodial Officer receiving the property shall document the items received in the C53 Receipt Book and provide the person who deposited the item(s) with a copy of the receipt.

### The Custodial Officer receiving the property shall ensure the property is recorded on the detainees TOMS 220 Property Record and delivered via security to the property storage area.

### Money deposited at the Gatehouse shall be placed in a sealed envelope along with a copy of the receipt and the detainee details recorded on the front.

### The Custodial Officers receiving the property shall contact the Finance Officer or Gratuities Cashier to collect the money from the Gatehouse or Reception. The Senior Officer shall inform the Unit Manager who shall inform the detainee.

## Additional money

### Where additional money outside the allowance for Birthdays, Christmas and stereo canteen purchase is received from external parties for a detainee, the money received shall be processed in the detainee’s Private Cash Account and held (identified as ‘frozen’ on TOMS) until the detainee is released.

### If more than two sums of money, per calendar year, are received from external parties for a detainee then the cashier is to provide this information, via email, to the Deputy Superintendent Operations.

## Property via incoming mail

### Custodial Officers shall not accept any property items listed in section 4.1.1 and [Appendix A](#_Appendix_A_–_2) of this COPP.

### Items not accepted shall not be issued to a detainee when sent by mail and shall be returned to sender with an appropriate explanation for the return. Custodial Officers shall ensure this is entered on the TOMS Offender Notes.

### Items for return, with no return address, shall have a description of the items and the following written direction shall be included with the property, “Not to be issued unless authorised by the Superintendent”.

### A detainee can request access to this property by completing the [Detainee Request Complaint and Feedback Form.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx)

### The Senior Officer shall sign the detainee TOMS 220 Property Record and ensure that the detainee and Unit Manager are advised of the property arrival. The detainee shall also be requested to sign the TOMS 220 Property Record. The property shall be secured in the detainees labelled property container.

### Custodial Officers shall ensure that received property is entered on TOMS 220 Property Record, re-sealed and forwarded to the Senior Officer.

# Storage of Property

### A detainee’s property shall not be stored if:

### the item is an illegal or prohibited article

### the item is considered to be a threat to the good order and security of the YDC

### the item may constitute a risk to the health and hygiene of the YDC

### the item is a consumable item; or

### the Superintendent considers the item not practical for storage at the YDC.

### The Property Storage area must remain locked at all times, other than when a Custodial Officer assigned to the property storage area is present.

### The Custodial Officer shall generate a number on TOMS against the detainee’s TOMS 220 Property Record. This number will be assigned to a container along with the detainee’s name.

### The labelled container number and location is to be documented in the appropriate field in the detainee’s TOMS 220 Property Record.

### The Custodial Officer shall ensure all clothing and non-valuable items are to be placed in the labelled property container and stored in a designated location in the property area.

### Detainees appearing in court the day after admission shall have their property (except valuables) stored in the designated area for court attendees.

### The detainee’s storage location number shall be recorded by the Senior Officer (or other Custodial Officer nominated by the Senior Officer )on the Detainee Property Allocation Spreadsheet.

## Valuable property

### Items listed on TOMS deemed as valuable and secured in the safe may include (but are not limited to):

### credit cards

### store charge cards

### jewellery

### mobile phones

### cash.

### The Senior Officer shall ensure all valuable property is photographed and recorded on the TOMS 220 Property Record, describing the colour, brand name, material type, any distinctive markings, condition and damage.

### The digital images of items shall be stored in TOMS in the ‘Managing Property’ section.

### Custodial Officers shall print a copy of the TOMS 220 Property Record, sign and date the record and place in a clear sealed envelope for storage with the item.

### All valuable property shall be stored in a safe in the property storage area.

### Valuable property secured in the safe shall only be accessed by the Senior Officer and Custodial Officer approved by the Superintendent. Where possible two approved officers shall be present when accessing the safe.

## Cash

### The Custodial Officer shall count all cash of any quantity or denomination in front of the detainee with another witnessing Officer and in view of Closed Circuit Television (CCTV) where practicable.

### The cash shall be recorded on TOMS 220 Property Record.

### The TOMS 220 Property Record will be printed in duplicate, one will be placed in the detainee’s unit file and the other placed in the cash envelope with the cash.

### The cash envelope shall be marked with the detainee’s details and then sealed.

### The Custodial Officer shall ensure the cash envelope is stored in the valuable property safe and forwarded to the Gratuities Cashier during business hours on the next available business day; unless the detainee attends court the next day, in which case the cash shall be forwarded with the detainee in their property to court.

### Cash envelopes stored in the valuable property safe shall be recorded on the admissions log and signed off by the Senior Officer.

### The gratuities cashier will record the detainee’s cash as ‘private cash’ and place the cash in a trust fund. The private cash remains separate from gratuities.

## Jewellery and body piercings

### The Custodial Officer shall record and photograph all jewellery on the TOMS 220 Property Record.

### Descriptions of jewellery should not be documented or presumed as ‘gold’ ‘silver’ or ‘diamonds’ etc, but should include descriptions according to item colour, for example: yellow metal ring with one clear coloured stone or white metal necklace with three blue stones.

### Detainees shall be requested to remove all jewellery including body piercings. A replacement retainer for piercings may be made available upon request to the Senior Officer.

### Should a detainee have a non-removable item of jewellery (i.e. fixed body piercing) the location of the item shall be noted by the Custodial Officer on TOMS and where appropriate, a photograph of the item in-situ shall be taken.

### Where possible, any non-removable jewellery item(s) must be covered by tape.

### If the detainee refuses to cover the non-removable jewellery item(s) they shall be placed on the sport exempt list until they comply. The detainee will be informed of the exemption by the Senior Officer.

### Where an item of jewellery, for example, a fixed body piercing may appear to be a potential health risk the HS Nurse shall attend to the detainee.

### Custodial Officers or HS Nurses shall not forcibly remove jewellery from any detainee.

### The detainee shall be counselled by the Custodial Officer as to the reason why the jewellery needs to be removed.

### Where a detainee refuses to remove jewellery and the Superintendent considers confinement of that detainee necessary for the good government, good order and security of the Detention Centre, the Superintendent may order placement of the detainee in an admissions or observation cell for a period not exceeding 24 hours[[1]](#footnote-1). Any such confinement must be in accordance with [COPP 6.11– Confinement](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

# Canteen CD Purchases

### CDs purchased from the Canteen shall be entered on the detainee’s TOMS 220 Property Record by the Canteen Officer before being issued. A maximum of six CDs shall be approved by the Superintendent per detainee at any one time.

# Detainee Art

### Any art work made by detainees with materials that have been supplied by the Department becomes the property of the detainee.

# Security Seals for Electrical Items in a Detainee’s Possession

### Electrical items shall have a security seal placed on either side of the item. The security seal shall be placed where the item can be taken apart where internal access may be gained.

### The Superintendent shall ensure all USB ports are disabled prior to issue unless the port is required to operate the item.

### The Senior Officer shall organise placement of security seals on all electrical items and record the serial number on the detainee’s TOMS 220 Property Sheet, prior to issue to a detainee.

### The Canteen Officer shall organise placement of security seals on all newly purchased electrical items and record the details including the serial number on the detainee’s TOMS 220 Property Record prior to issue.

### Custodial Officers that locate an electrical item with the security seal damaged or removed shall complete an incident report, refer to [COPP 8.1 Incident Reporting](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx), on TOMS and return the item to Admissions.

### The Senior Officer on return of the item shall organise a search of the item.

### Electrical items where security seals have been deliberately removed may:

### be removed for the duration of the detainee’s admission

### not be reissued without approval from the Superintendent.

### Where the Superintendent approves re-issue of the electrical item, the item shall be returned to Senior Officer who shall organise new security seals to be attached prior to re-issue.

### Detainees are required to cover the costs of any associated charges for repair, where applicable.

# Personal Property in Cell

### In accordance with [YCR9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx), the Superintendent must determine and approve the items that detainees are permitted to keep in their possession (see [Appendix B](#_Appendix_B:_Approved)).

### In accordance with [YCR9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx), the Superintendent must not approve an item if, in the opinion of the Superintendent, the item:

### constitutes a threat to the security or good order of the YDC

### could be used by a detainee for self-harm.

### A detainee may request personal items from their property to keep in their cell. Refer to [Appendix B – Approved Personal Items for Detainees Possession](#_Appendix_B_–).

### Privileges may also be extended to personal property depending on the type of privilege in accordance with the relevant COPP. [(BHYDC COPP 6.2 – Supervision Levels, Incentives and Privileges](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) or Unit 18 COPP [6.1 Behaviour Management (Unit 18YDC)**.**](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

### A Detainee Request/ Feedback form shall be completed by the detainee and submitted to the Unit Manager in accordance with [COPP 6.7 – Requests Complaints and Feedback.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) Detainees with limited literacy levels will be offered assistance with this process.

### The Unit Manger shall forward the form to the Superintendent for consideration.

### Where the request is approved by the Superintendent in accordance with [YCR9,](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx) the detainee shall be informed of their responsibilities in regard to the loss or damage of the property.

### The issue of property is completed every Saturday, at a minimum, or at the discretion of the Senior Officer.

### The Senior Officer shall ensure issued and purchased property is recorded on TOMS 220 Property Record. A receipt of “In Possession” property shall be signed by the detainee and a copy stored in the detainee’s property file.

### Unit Managers, where possible, will place a sticker on the property with the date permission was granted, Unit Manager’s name (printed) and their signature.

### Personal effects shall not be loaned to another detainee without permission of the Superintendent or OIC.

### During unit and cell inspections, Custodial Officers shall ensure property in the cell is checked against the “In Possession” receipt.

### Disciplinary action may occur if a detainee is found in possession of property not issued to them and any such property shall be dealt with in accordance with [COPP 9.6 – Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### If the detainee is no longer in possession of an item(s) listed on their “In Possession” receipt the Custodial Officer searching the cell shall conduct inquiries and inform the Unit Manager.

### Where it is found that the item(s) is missing due to theft or standover from other detainees the Unit Manager shall inform Security.

## Removing detainee property from cell when a detainee is not present

### Where a detainee has been transferred to another unit in the YDC and their property has not been transferred at the same time, a Cell Clearance form in TOMS shall be completed by the Unit Manager.

### The Cell Clearance form shows all items in the detainee’s cell. Property shall be checked for any missing or additional items and where appropriate transferred to the detainee’s transfer location.

### Missing items shall be documented on the Cell Clearance form. The Unit Manager shall inform the detainee and conduct an investigation into the missing items and document the outcome on TOMS and in the Unit Occurrence Book.

### Additional items (except for consumables) shall be noted, investigated and removed by the Unit Manager.

### The Unit Manager shall ensure the cell clearance is documented on TOMS as a cell search.

# Property on Transfer to Court

### Detainees with a "no return order" shall have all of their property transferred to court with them.

### Detainees transferred to a Prison shall have their property transferred at the time of transfer or as soon as practicable thereafter.

### The Gratuities Cashier shall complete the gratuities exit pay-out by 15:00hrs on the day prior to the detainee’s transfer.

### The Senior Officer shall place the money in a sealed envelope in the key safe pending a detainee’s attendance at court, transfer or release.

### Property handed over to escorting staff shall be checked and signed by both Custodial Officers conducting the escort against the TOMS 220 Property Report. The Custodial Officer shall document the location in TOMS to ‘Assigned to External Agent’.

### Cash and/or gratuities accompanying the detainee shall be recorded in the Cash Log Book and signed by a Custodial Officer and Senior Officer.

### A copy of the signed TOMS 220 Property Report shall be included in the detainee’s property transferred.

### All gratuities, personal cash and property shall be issued by the Escorting Officer if the detainee is released from court.

### The detainee shall be requested to sign the Property Receipt for the property, gratuities and/or cash which is witnessed by the Escorting Officer.

### If a detainee refuses to sign the record, the Senior Officer shall sign and date the form and note the detainee’s refusal.

### If the detainee has a language or cognitive impairment, special consideration should be given to ensuring the detainee understands what is being requested of them.

### The signed receipt shall be returned to Admissions area.

### Detainees returning from court with further remand warrants shall have all personal properties including valuables and gratuities checked against the TOMS 220 Property Report by the Custodial Officer

### Where there is a discrepancy, the Custodial Officer shall submit an incident report and verbally report the discrepancy to the Senior Officer.

### The Senior Officer shall inform the detainee where there is property discrepancy and record this on TOMS Offender Notes.

### Received property shall be returned to the previous storage location(s) and money returned to the gratuities cashier.

### Returned property shall be documented as ‘stored’ on TOMS.

# Return of Property to the Detainee from Court

### Accountability for property and money envelopes shall be via the escorting staff.

### Custodial Officers escorting detainees shall return all property including valuables, gratuities and cash to the detainee if they are to be released from court. The Custodial Officers escorting the detainee shall ask the detainee to sign a Property Receipt of return of the property.

### Custodial Officers escorting detainees shall return the signed Property Receipt to the property storage area. If a detainee refuses to sign the record, the Senior Officer in admissions is to sign and date the record and note the detainee’s refusal.

### Custodial Officers escorting detainees shall telephone the Admissions area and verbally inform the Custodial Officer of the detainee’s release.

### The Custodial Officer shall record the detainee’s property as "discharged" on TOMS.

# Signing of Property to Visitors

### Detainees requesting to sign out property to a visitor must complete a [Detainee Request, Complaint and Feedback](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form at least one day prior to the visit and submit the form to their Unit Manager. Custodial Officers shall offer assistance to those detainees who are not competent in reading or writing.

### Requests outside of the one day time frame shall only be processed in exceptional circumstances and processed at the Senior Officer discretion.

### The Unit Manager will forward the request to the Senior Officer.

### The Senior Officer shall select the item to be signed out on the detainee’s property record on TOMS and change the status to "signed out".

### A TOMS receipt will be signed by the detainee authorising the property to be signed out. A Custodial Officer shall witness the detainee signing the receipt.

### The property and TOMS receipt shall be forwarded to the Gatehouse or Reception for collection.

### The visitor shall sign the TOMS receipt on collection of the property which shall be witnessed by a Custodial Officer. The signed receipt shall be returned to the property storage area s area by Gatehouse or Reception staff.

### Custodial Officers shall file the receipt in the detainee’s unit file.

# Transfer of Property to Another Detainee

### Detainees wishing to transfer personal property to another detainee must apply in writing through their Unit Manager and will be assisted in their application by a Custodial Officer where they cannot write.

### The Unit Manager shall forward the request onto the Superintendent for consideration.

### The Superintendent shall consider the request in accordance with [YCR9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx) and inform the Unit Manager of the outcome.

### Where approval has been granted, the Unit Manger shall organise transfer of the property, document the transfer accordingly and print a TOMS receipt for the detainee transferring the property to sign, in the presence of the Unit Manager.

### The detainee receiving the property shall be requested to sign the receipt, acknowledging and authorising the property transfer. The signing shall be witnessed by a Custodial Officer or Unit Manager.

### Both detainee TOMS 220 Property Records shall be updated accordingly by the Unit Manager (or other Custodial Officer nominated by the Unit Manager).

# Return of Property to the Detainee on Release

### The Gratuities Cashier shall complete the gratuities exit pay-out by 15:00hrs on the business day prior to the detainee’s discharge. The exit monies shall be forwarded to the Senior Officer who shall place the money in the SO Admissions key safe pending the detainee’s discharge.

### The detainee shall sign the Gratuities Receipt and all gratuities and personal cash shall be issued to the detainee and a signed copy of the receipt retained.

### At the time of release, all stored property shall be checked against the detainee’s property record on TOMS by the detainee along with a Custodial Officer. If the detainee has a language or cognitive impairment, special consideration will be given to ensuring the detainee understands what is being requested of them.

### On handover of the property to the detainee the Custodial Officer shall update the property record on TOMS accordingly.

## Clothing on release

### Where clothing retained on a detainee's behalf is in inadequate condition for wearing on release, the Superintendent may authorise the purchase of clothing for the detainee, from the detainee's account.

### Where the detainee does not have sufficient funds to purchase adequate clothing, the Superintendent may authorise expenditure to buy clothing. A Custodial Officer authorised by the Superintendent shall purchase clothing for the detainee. Expenditure shall not exceed one suitable outfit, suitable for the climate at the time, including footwear for travel to the detainee’s home.

# Unclaimed Property

### Where a detainee is released without taking their property, Custodial Officers shall record this on TOMS.

### The Senior Officer shall ensure a telephone call is made to the detainee and/or parent/guardian to request the property be collected within an agreed reasonable timeframe. The telephone call and response shall be documented in TOMS.

### If the property is not collected by the agreed timeframe, the Senior Officer shall ensure a letter is sent to the detainee and/or parent/guardian to request the property be collected within 14 days (calendar). The notification shall be documented in TOMS.

### A copy of the notifications shall also be placed with the unclaimed property.

### The Senior Officer shall inform the Superintendent where the property has not been collected within the date specified in the letter.

### The Superintendent shall consider returning the property by post to the detainee or parent/guardian. Postage shall be to the detainee’s documented discharge address on TOMS.

### All property returned by post shall have a proof of posting and trackable reference number and be packaged in a protective manner. Consideration shall be given by the Superintendent to purchase additional postage insurance as appropriate. A return address to YDC shall be added to the parcel.

### Where practicable, the Senior Officer shall organise photographs of the contents and package the photographs shall clearly show the contents and address on the package. The photographs shall be documented in TOMS.

### Following postage, the proof of postage receipt/ tracking number shall be documented on TOMS.

### In circumstances where property is not accepted by the detainee or parent/guardian and is returned to the YDC C, the Superintendent shall be notified of the return of the package by the Custodial Officer assigned to the Gatehouse or Reception.

### The Superintendent shall seek advice from Women and Young People regarding the unclaimed and returned property. The advice shall be documented.

## Disposal of perishable items

### The Superintendent may approve the disposal of property deemed perishable.

### The detainee shall be notified of the proposed disposal and may be given the option to find an alternative solution where appropriate.

### The property and disposal details shall be documented on TOMS. The detainee shall be requested to sign a destruction receipt. If a detainee refuses to sign the record, the Senior Officer shall sign and date the record and note the detainee’s refusal.

# Unauthorised Items

### Where an unauthorised item has been found on a detainee, the Superintendent is to retain custody of the item until the determination of any detention centre offence against the detainee[[2]](#footnote-2).

### After determination of the offence, or where no charge is made, the Superintendent may:

### return it to the detainee on his or her release

### return it to the person believed by the Superintendent to be the rightful owner

### order that the item be destroyed or otherwise dealt with.

# Loss or Damage

### Care shall be taken with the transport, handling, recording and storage of detainee property.

### Any loss or damage to any property will be reported to the Unit Manager or Senior Officer, who shall advise the detainee.

### The Officer discovering the loss or damage shall complete a TOMS incident report. Refer to [COPP 8.1 – Incident Reporting](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

# Audit

### The Senior Officer is the responsible person for managing property in the property storage area and will ensure all documentation is accurate.

### A daily audit of property shall be conducted by Officers nominated by the Senior Officer and recorded on the YDC Admissions Property Audit sheet.

### The Senior Officer (or other Custodial Officer nominated by the Senior Officer) shall ensure that a quarterly audit of all private property is conducted.

### The quarterly audit shall include:

1. checking the condition of all stored property to ensure that no deterioration has occurred
2. random sample of actual property stored against the inventory record
3. maintaining a record of dates and details of quarterly inspection checks and report any variation to the Superintendent.

# Annexures

## Related COPPs and Rules

* [COPP 2.1 – Admission](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 2.2 – Cultural and Religious Requirements](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [BHYDC COPP 6.2 – Supervision Levels, Incentives and Privileges](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 6.1 Behaviour Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)[(Unit 18YDC)](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) **[Restricted Access](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)**
* [COPP 6.7 – Requests Complaints and Feedback](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 6.11 – Confinement](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 8.1 – Incident Reporting](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 9.6](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) [– Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [Youth Custodial Rule 9 Approved and Unauthorised Items](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx)

## Definitions

| Term | Definition |
| --- | --- |
| Commissioner’s Operating Policy and Procedure (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Contractor | Any person, who is not employed by the Department, that provides services or works for the infrastructure at Banksia Hill Detention Centre. |
| Custodial Officer | An officer with custodial functions, appointed under section 11(1) of the *Young Offenders Act 1994*; or a person who is appointed under section 11(1a)(a) as a custodial officer. This includes but is not limited to Youth Custodial Officers, Unit Managers and Senior Officers. |
| Detainee | Means a person who is detained in a detention centre as defined in s.3 *Young Offenders Act 1994*. |
| Illegal Thing | Means an article or substance that a person conducting a search suspects is illegal or a prohibited item. |
| 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. |
| Officers and Employees of Particular Classes | The following descriptions of classes of officers and employees are prescribed for the purpose of s 11(1a)(b) *Young Offenders Act 1994*, and r. 49(2) *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. |
| Perishable Items | Items which have finite or limited shelf life. These include, but are not limited to, meat, vegetables, dairy products etc. |
| Public Service Officer | An officer employed in the State Government Public Service, subject to Part 3 *Public Sector Management Act 1994* and includes such officers and other persons as are necessary to implement or administer this Act. |
| Senior Officer (SO) | 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 s11 of the *Young Offenders Act 1994* |
| Staff | Any person or officer of the Department of Justice, Corrective Services, 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. |
| Substance | Includes any narcotic drug to which the *Misuse of Drugs Act 1981* applies, any drug that may be obtained by prescription, any solvent that may be abused and alcohol. |
| Superintendent | In accordance with s. 3 *Young Offenders Act 1994, ‘*The person in charge of a detention centre’ |
| The Department | The department of the Public Service principally assisting the Minister in the administration of the *Young Offenders Act 1994*.  Department of Justice (Corrective Services) |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Justice to record and manage comprehensive information relating to prisoners and detainees. |
| TOMS 220 Property Record | Record document that lists all the property of a detainee. |
| Unauthorised Items | Any item or thing that:   * Constitutes a threat to or breach of the security or good order of the detention centre: or * Is unauthorised pursuant to Youth Custodial Rule 9. |
| Unit Manager | A Custodial Officer substantive to this rank or Custodial Officer acting in the capacity of Unit Manager, appointed by the Chief Executive Officer with reference to s11 of the *Young Offenders Act 1994*.  The Senior Officer managing the unit in which the prisoner is located. |
| Valuable Property (VP) | Personal items of monetary value (not including electrical items), including jewellery, watches, financial transaction cards and small items considered to be of value to the detainee as listed under the TOMS Valuable Property heading. |
| Youth Detention Centre | A gazetted detention centre declared by the Minister to be a detention centre to accommodate male and female, remanded or sentenced detainees. Refer to section 13 of *Young Offenders Act 1994.* |

## 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 [Compliance Manual](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=operational%20compliance&ql=3081).
* The Women and Young People Branch, 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/search/Pages/results.aspx?k=operational%20compliance&ql=3081)
* Independent oversight will be undertaken as required.

# Document Version History

| **Version no** | **Primary author(s)** | **Description of version** | **Date completed** | **Effective date** |
| --- | --- | --- | --- | --- |
| 1.0 | Operational Policy | Approved by the A/Director Operational Policy, Compliance and Contracts | 26 May 2021 | 21 June 2021 |
| 2.0 | Operational Policy | Minor amendments approved by the A/Director Operational Policy, Compliance and Contracts | 4 October 2021 | 4 October 2021 |
| 3.0 | Operational Policy | Minor amendments approved by the A/Director Operational Policy, Compliance and Contracts | 16 May 2023 | 19 May 2023 |
| 4.0 | Operational Policy  Memo Reference:  D23/900833  Content Manager Reference:  S23/99348 | Endorsed by the  A/ Assistant Commissioner Women and Young People | 9 November 2023 | 18 December 2023 |
| Approved by the Deputy Commissioner Operational Support | 9 November 2023 |

# Appendix A – Approved and Prohibited Classifications

This Appendix provides direction as to the classification types that detainees are allowed to have access to as well as those that are prohibited.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Type** | **Classification** | | **Permitted** | **Prohibited** |
| **Audio**  **(CDs/Tapes)** | Warning Moderate Impact (Level 1) | | Permitted |  |
| Warning Strong Impact (Level 2)  *Detainees over 16 only* | | Permitted |  |
| Restricted High Impact Themes (Level 3) | |  | Prohibited |
| Exceeding Level 3 | |  | Prohibited |
| Refused Classification | |  | Prohibited |
| **Computer Games** | G | General | Permitted |  |
| PG | Parental Guidance | Permitted |  |
| M | Mature Audiences  *Detainees over 15 years only* | Permitted |  |
| MA(15+) Restricted | Mature Restricted  *Detainees over 15 years only* | Permitted |  |
| R(18+) | Restricted to 18+ Years |  | Prohibited |
| RC | Refused Classification |  | Prohibited |
| **Films/Videos/ DVDs** | G | General | Permitted |  |
| PG | Parental Guidance | Permitted |  |
| M | Mature | Permitted |  |
| MA(15+) Restricted | Mature – Restricted  *Detainees over 15 years only* | Permitted |  |
| R(18+) | Restricted to 18+ Years |  | Prohibited |
| RC | Refused Classification |  | Prohibited |
| **Printed Materials** | Unrestricted |  | Permitted |  |
| Category 1 Restricted | Restricted to 18+ Years |  | Prohibited |
| Category 2  Restricted | Restricted to 18+ Years |  | Prohibited |
| RC | Refused Classification |  | Prohibited |

# Appendix B – Approved Personal Items for Detainees Possession

This Appendix provides the approved property which detainees are allowed to have in their possession.

1. Items relating to spiritual or religious beliefs and practices in accordance with [COPP 2.2 – Cultural and Religious Requirements.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
2. 2 x shampoo
3. 2 x conditioner
4. 2 x body wash
5. Canteen spends
6. Town spends – this includes for the purchase of radios, X-Boxes (Murchison Unit) and CD’s
7. Posters
8. Personal photos, once approved by Security
9. Letters / legal papers
10. Issued clothing – generally two items of shorts, t-shirts, track pants etc.  underwear and other under garments of 5 items
11. Books / Bible / Koran
12. Plastic or cardboard boxes for the keeping of clothing and other items.

1. r 78 of the *Young Offenders Regulations 1994* [↑](#footnote-ref-1)
2. s. 98(3)*Young Offenders Regulations 1995* [↑](#footnote-ref-2)