

Personal Property (Young People) Policy

Essential Summary

The Children (Detention Centres) Regulations 2015 and the Children (Detention Centres) Act 1987 clearly outline Juvenile Justice NSW's (JJNSW) responsibilities and accountability for processing and maintaining a young person's property.

This policy provides a framework for JJNSW employees to manage, process and record the personal property of young people in an effective and consistent manner across all JJNSW centres.

All young people's personal property is recorded in the Client Information Management System (CIMS) as either, retained, stored, sent away or destroyed.

The *Personal Property Procedure* must be read in conjunction with this policy.

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1 Scope

This policy applies to all JJNSW centre employees involved in the frontline care of young people in JJNSW.

2 Purpose

The purpose of this policy is to:

- inform all employees of legislative and JJNSW requirements for the safe keeping of a young person's personal property
- provide consistency in the management, processing and recording of personal property of young people across JJNSW centres
- set out how officers of the Department are to carry out their work in order to assist the Secretary to discharge his or her functions under the Children (Detention Centres) Act 1987 (NSW)

3 Definitions

Centre Manager means the person for the time being in charge of the centre

Client Information System CIMS refers to the electronic data recording system for all information regarding young people under the supervision of JJNSW

Employee refers to people employed by Juvenile Justice on a permanent, temporary or casual basis

Juvenile Justice Centre refers to a place of detention of young people pursuant to the definition in the *Children (Detention Centres) Act 1987*.

Unit Supervisor means the person in charge of the unit at the time (Unit Manager, Assistant Unit Manager or Shift Supervisor)

4 Personal Property

When being admitted into custody at a Juvenile Justice NSW (JJNSW) centre, all young people are required to surrender all personal property to be searched, itemised and recorded in CIMS.

The property will then be either retained by the young person, stored, sent away or destroyed.

Any property that is deemed to be a prohibited item (contraband) or unlawful to possess, such as pornography, weapons or illegal substances must be reported to the Centre Manager (*Contraband Policy and Contraband Procedure*).

The Centre Manager must advise the Security and Intelligence (S&I) unit if any personal property is considered terror related material, and follow the directions of S&I in dealing with that property.

5 Retained Property

Retained property is property which the young person is allowed to take to their room, and must be recorded as “retained” on the CIMS property record.

JJNSW must inform the young person and ensure they understand that once an item of property is taken to their room (retained), the young person is responsible for that item. If property is lost or missing JJNSW will not be held responsible for retained property.

The young person and a Juvenile Justice employee must sign the property record to acknowledge that all items retained by the young person are their responsibility. The young person must understand that their signature is confirming their acknowledgement of this responsibility

5.1 Types of Retained Property

Any personal property to be retained by young people must be approved by the Centre Manager.

A young person’s access to all items is based on classification and risk assessment. More items may be approved to be retained, as a young person’s risk levels lower and reversely may be removed if a young person’s risk level escalates, at a later date.

Items retained by a young person may include:

- religious books, recognised objects of religious devotion, and similar items belonging to a young person
- personal clothing such as underwear, socks, beanies or caps
- personal linen and toiletries
- books, magazines, or other printed material approved by the centre manager
- radios, alarm clock or any related accessory approved by the centre manager
- incentive scheme rewards or similarly earned items.

5.2 Use of Retained Property

Retained property must be kept and used by the young person only in a manner that is approved by the centre manager.

Property that is retained by the young person can, at any time be removed and stored by the centre manager, if the centre manager thinks that it is being kept or used in a manner that poses a risk to the security, safety, or the good order the centre.

6 Property not Retained

Property that cannot be retained by the young person must be stored in a sealed bag, in a safe and secure property room until the property can be sent away, collected, transferred, or returned to the young person when appropriate to do so.

6.1 Storing Property

Stored property must be placed in a storage bag and sealed with a numbered tag.

The seal number must be recorded on the CIMS property record.

All items for storage must be placed in a safe and secure property room until the young person is transferred, discharged or is permitted access.

Items to be held in storage must be recorded as “stored” on the CIMS property record. See 8.1 of this policy below.

6.2 Disposing or Destroying Property

Property can only be disposed of or destroyed if:

- the young person requests it
- the property is food or clothing that is required to be destroyed for the maintenance of hygiene
- the property may constitute a threat to public health
- the property is likely to adversely affect the security, safety or good order of the Juvenile Justice centre
- the property is likely to

Before any property is destroyed, approval must be sought from the Centre Manager. The young person must be informed of how the property is going to be destroyed and the reason for its destruction, if practicable.

6.3 Sending Property Away

Property can be sent away if:

- it is unsuitable for storage
- it exceeds the young person’s needs

Property must be stored securely until it can be sent away.

If the young person’s family or significant other person attends the Juvenile Justice Centre to collect the property, the person collecting the property must sign the CIMS property record.

If the property is being sent using a mailing or courier company, the mailing or courier details must be recorded on the CIMS property record. The young person and an employee must sign the document.

Items to be sent to young person’s family must be recorded as “sent away” on the CIMS property record.

6.4 Money

All young people's money surrendered on admission must be treated as all personal property, itemised, stored securely and recorded in CIMS. Refer to the *Admissions and Discharge Procedure* for directions.

6.5 Medication

All medicine surrendered by the young person at time of admission or re-entry must be provided to the Justice Health & Forensic Mental Health Network (JHFMHN) nurse. The medication must not be given to the young person or placed into the property bag until it is checked by the JHFMHN nurse.

The medication will be dealt with as directed by a nurse, doctor, or medical officer.

7 Transferring or returning property

When a young person is transferred to another centre or discharged from the centre, all property belonging to the young person must be transferred with the young person or returned to the young person upon discharged.

7.1 Transfer

All property belonging to a young person must be transferred from the former Juvenile Justice centre to the new Juvenile Justice centre, together with all CIMS property records.

Only one bag of property can be sealed and accepted by escorting transport officers, therefore if the young person's property exceeds the limit, arrangements must be made for any property exceeding the transporting limit of one bag, to be sent home or delivered to the receiving centre.

8 Recording Property

A record must be kept of all property belonging to the young person that is:

- retained
- stored
- sent away
- forfeited to the Crown
- disposed
- destroyed
- provided to police
- transferred
- returned to the young person

8.1 Information Required on CIMS

When recording items in CIMS, the description must include:

- brand names
- description of items
- general condition of all items

Unopened and sealed bags with no signs of tampering can be recorded as “receipt of sealed bag (unopened)”.

If the seal is broken or there are signs of tampering, all the items must be removed from the bag and each item must be recorded separately on CIMS.

8.2 Property record must be signed

Both the young person and the employee who checked the property must sign the property record. If property record is not signed by both the young person and the employee, it is not a legal document and Juvenile Justice may be liable for lost property.

9 Delegation Table

Decision	Delegated officer
Detainee property The centre manager may refuse a young person to have possession of property if the property poses a risk to safety, security or the good order of the centre.	Centre Manager
Appropriate use of detainee property A young person must keep and use all approved property in the manner that it was intended	Centre Manager
Property Approved property may be removed by the centre manager if it is used or kept in a way that poses a risk to the safety, security or good order of the centre	Centre Manager
Approval of inventory and record requirements for transfer of property All property of a young person must be transferred from one centre to the other with all required records	Centre Manager

10 References

10.1 Policy

- *Leave Policy*

10.2 Procedure

- *Personal Property (Young People) Procedure*
- *Admission and Discharge Procedure*
- *Contraband Procedure*
- *Leave Procedure*

10.3 Legislation

- *Children (Detention Centres) Act 1987*
- *Children (Detention Centres) Regulation 2015 Clauses 12 to 17*
- *Crimes Act 1900*

11 Document Information

Title:	Personal Property Policy		
Business Centre:	Operations Unit		
Author:	Custody Team		
Approver:	Executive Director; Director, Policy & Practice: Director Statewide Operations		
Date of Effect:	February 2019		
Next Review Date:	February 2021		
File Reference:	18/01421	Document Reference:	D18/21397
Key Words:	Personal, property, stored, retained, admission, transfer, discharge, contraband, complaint		

12 Document History

Version	Date	Reason for Amendment
0.1	18 February 2019	<i>New policy created to provide direction and instruction when processing the personal property of young people: in line with legislative delegations.</i>