



Youth Custodial Rule 401

Property of detainees upon admission and discharge from detention

Legislation referred to: [Financial Management Act 2006](#)
[Unclaimed Money Act 1990](#)
[Young Offenders Act 1994](#)
[Young Offenders Regulations 1995](#)

1. Purpose

All property in the detainee's possession at admission shall be stored securely at the Superintendent's discretion and returned to the detainee upon discharge from the facility or disposed of appropriately and in accordance with legislation. The Superintendent may allow a detainee to retain certain personal effects during their period of detention to promote a sense of personal identity.

2. Scope

This Youth Custodial Rule applies to all Youth Custodial Services (YCS) staff, volunteers and contractors and should be read in conjunction with all relevant Youth Custodial Rules, Standing Orders and Departmental policies and procedures.

3. Principles

On admission of a detainee, the Superintendent shall cause an inventory to be made of all property in the detainee's possession. The detainee shall acknowledge that the record is true and correct.

3.1 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 facility
- the item may constitute a risk to the health and hygiene of the facility
- the item constitutes a risk of damage to other property
- the item is a consumable item
- it is large or bulky
- the Superintendent considers the item not practical for storage at the facility.

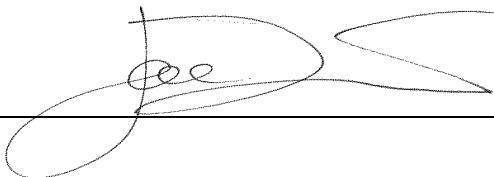
- 3.2 All items not stored shall be dealt with as directed by the Superintendent and a record of such shall be kept.
- 3.3 The Superintendent shall ensure that property is stored, transferred and controlled in an effective manner and any property retained on behalf of a detainee shall be kept in a secure area and an accurate record maintained.
- 3.4 The Superintendent shall ensure all property is returned to the detainee upon discharge.
- 3.5 The property of any detainee who is transferred from a YCS facility to a prison, in accordance with s 178 of the [Young Offenders Act 1994](#), shall be forwarded to the prison at the time of transfer or as soon as practicable after the transfer.
- 3.6 Property left at a YCS facility which is uncollected or unclaimed for a period of 12 months may be disposed of by order of the Commissioner, Department of Corrective Services. Any proceeds gained by the disposal of unclaimed property shall be treated as unclaimed money in accordance with the [Unclaimed Money Act 1990](#).
- 3.7 The Superintendent may determine the amount of money (not including any money credited under Part 7 of the [Young Offenders Regulations 1995](#)) to be received and held on behalf of a detainee at the YCS facility.
- 3.8 Monies received shall be placed in a trust fund administered by the conditions of the [Financial Management Act 2006](#).

Approval


Rule made pursuant to Section 181 (1) of the *Young Offenders Act 1994* and *Young Offenders Regulations 1995*, by the Commissioner being the Chief Executive Officer of the Department of Corrective Services with the approval of the Minister for Corrective Services.

On the 13th day of March 2014

Minister



Commissioner



On the recommendation of the Deputy Commissioner Youth Justice Services and the Director Youth Custodial Services.



Deputy Commissioner
Youth Justice Services



Director
Youth Custodial Services

Version history

Version	Approved	Effective from
First published as Juvenile Custodial Rule 401 - Clothing and Property of Detainees upon Intake/Receival and Release from Custody	25 April 2001	25 April 2001
Amended	17 July 2008	17 July 2008
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Rule updated and procedural detail moved to Standing Orders	13 March 2014	5 May 2014