



# Youth justice custodial practice manual

Secure Services

(<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual>)

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If you print and store this document, you may be looking at an outdated version and this may impact on your duty of care. Always check the latest version in the Youth justice custodial practice manual on the DHS intranet before taking action under this procedure. Please make sure the printed procedures are kept securely.

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Youth Justice Custodial Services Practice Manual (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual>) > Sentence management (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management>) > Young people's legal status (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/young-peoples-legal-status>) > Sex Offender Registry (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/young-peoples-legal-status/sex-offender-registry>)

## Sex Offender Registry

Youth justice has responsibilities under the *Sex Offender Registration Act 2004* in relation to young people who are classed as registrable offenders.

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### When to use this procedure

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- As part of case management, when a young person in custody is a registrable offender under the *Sex Offender Registration Act 2004*.
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### What else you need to know

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Make sure you have read and understood the following procedures:

- [Managing sexualised behaviour](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/working-with-young-people-in-custody/responding-to-challenging-behaviour/managing-sexualised-behaviour) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/working-with-young-people-in-custody/responding-to-challenging-behaviour/managing-sexualised-behaviour>)
  - [Case management overview](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/case-management-education-and-employment/case-managment/case-management-overview) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/case-management-education-and-employment/case-managment/case-management-overview>)
  - [Admission to custody](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/admission-to-custody) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/admission-to-custody>)
  - [Planning for exit](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/exit-from-the-precinct/planning-for-exit) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/exit-from-the-precinct/planning-for-exit>)
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## **Staff responsibilities**

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Find your role below to see what your responsibilities are:

- [Unit Manager](#)
  - [Unit Coordinator](#)
  - [General Manager](#)
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### Unit Manager

#### **At all times**

- Ensure that the process in relation to management of a sex offender is followed in accordance with the *Sex Offender Registration Act 2004*.
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### Unit Coordinator

#### **At all times**

- Must ensure that all required tasks in relation to the Sex Offender Registry are completed as part of the case management process.

#### **When a registrable offender is preparing to leave custody on parole or remissions.**

- Ensure that the Victoria Police Sex Offender Registry has been notified.
- Ensure that, following the instructions contained in this procedure, their reporting obligations have been discussed with the young person and they have been encouraged to comply with these. If appropriate, ensure that the young person's family or other support people have been included in these discussions.
- Ensure that the young person has signed an **Acknowledgement of Receipt of Notification**.
- Ensure that the young person has been given a **Notice of Reporting Obligations and Client Information Sheet**.

#### **When a registrable offender returns to custody following cancellation of parole.**

- Ensure that the Victoria Police Sex Offender Registry has been notified.
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# General Manager

## When it is planned that a registrable offender will participate in the temporary leave program.

- Ensure that a comprehensive risk assessment is undertaken as part of the planning for any proposed leave – for example to attend a medical appointment. The location of the leave must be considered in relation to the homes, schools or workplaces of victims.
- This is even more important if the young person is considered for unescorted leave.
- Unescorted leave must be authorised by the General Manager at a minimum and can not be delegated to a lower level.

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## The procedure in detail

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- Background
  - Staff responsibilities
  - Admission to custody
  - Leave
  - Exit from custody
  - Re-admission to custody following cancellation of parole
  - Information for young people
  - Information to be provided to the Sex Offender Registrar at Victoria Police
  - Reporting timelines
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## Background

The Sex Offenders Registry is a registry of individuals who have committed serious sexual offences against children and/or adults.

The purpose of the registry is to assist police to monitor and locate high-risk sex offenders and prevent them applying for, or engaging in, child-related employment.

This is achieved by requiring offenders who commit sexual offences to keep police informed of their whereabouts and other personal details for a period of time in order to:

- reduce the likelihood that they will re-offend
- help with the investigation and prosecution of any future offences that they may commit.

Youth justice is required to inform Victoria Police when a registered sex offender has been released from custody and when a registrable sex offender ceases to be under supervision in the community.

This notification will allow Victoria Police to follow up if a registrable offender fails to report to Victoria Police within the specified time frames.

## Staff responsibilities

It is the responsibility of the Unit Coordinator to ensure that the required tasks in relation to the Sex Offender Registry are completed as part of the case management process.

Broadly, while a young person on the registry is in custody, we are responsible for:

- issuing a notice of reporting obligations to a registrable offender on leaving custody
  - informing the police when a registrable offender leaves custody and/or ceases to be subject to a supervised order
  - informing the police when a known registrable offender is re-admitted to custody when following cancellation of their parole is cancelled.
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## Admission to custody

When a young person admitted to custody is a registrable offender, or when an order is made for compliance with reporting instructions, the Key Worker or Unit Coordinator should check that the Acknowledgement of Receipt of Notification form is attached to the custodial order.

If this is not attached, the Key Worker or Unit Coordinator should request a copy from the court.

The Key Worker or Unit Coordinator should attach a copy to the client file and record in CRIS that the young person is a registrable offender.

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## Leave

Youth justice is not obliged to alert the registry if a young person on the registry will access the community on an escorted leave, such as a medical leave.

However, it is imperative that a risk assessment is undertaken as part of the planning for any proposed leave. For example, the location of the leave must be considered in relation to the homes, schools or workplaces of victims.

This becomes even more significant if the young person is considered for unescorted leave. This must be authorised by the General Manager at a minimum and can not be delegated to a lower level.

## Exit from custody

When a registrable offender is about to exit the precinct on parole or remissions, the Key Worker or Unit Coordinator should send a courtesy email to the Police Sex Offenders Registrar advising that the young person's order is completed (email link in **Additional Information**).

The staff member doing this should also ensure that the young person understands the requirements for reporting. Discuss their reporting obligations and assist and encourage their compliance with these.

If it is appropriate to do so, include the young person's family or other support people in these discussions so that they are able to assist them to comply with their obligations under the Act.

Ensure that the young person is aware that the initial report is to take place within 28 days following release from custody. The phone number for the Sex Offenders Registrar at Victoria Police is: **1800 235 733**.

Inform the young person that they are required to report to the Sex Offenders Registrar at Victoria Police every 12 months to confirm their personal details.

This annual reporting must occur by the end of the calendar month in which the anniversary of the date on which they first reported occurred.

In addition, inform them of their obligations to report any changes to the police within 14 days after that change occurs.

Young people on the registry are also obliged to report any intentions to travel interstate immediately after release from custody to Victoria Police, in person, before leaving the state.

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## Re-admission to custody following cancellation of parole

The Victoria Police Sex Offender Registry has no mechanism for identifying when a youth justice client who is on the Registry is re-admitted to youth justice custody when their parole is cancelled.

It is therefore the responsibility of youth justice to notify Victoria Police whenever a registrable offender returns to custody.

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## Information for young people

If a young person is placed on the Sex Offender Registry the Key Worker or Unit Coordinator must ensure that they are provided with the **Information sheet for clients** and check that they understand what is required of them.

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## Information to be provided to the Sex Offender Registrar at Victoria Police

When informing the police of the exit from custody, or their return to custody following cancellation of parole, of a registrable offender, the following information is to be forwarded by email to the Sex Offenders Registrar (email link in **Additional Information**):

- name and other names known by
  - period during which the client was known by other names
  - date of birth
  - address
  - name and age of any children living in the same household or with whom they have regular unsupervised contact
  - if employed, name of employer, work address and nature of employment
  - affiliation with any clubs or organisations that have child membership or child participation in activities
  - make, model, colour and registration number of any motor vehicle owned or generally driven
  - details of tattoos or permanent distinguishing marks
  - whether they have ever been found guilty of a registrable offence in any other jurisdiction that requires reporting to a registrar
  - if they have been in custody since being sentenced or released from custody in respect to a registrable offence
  - whether they intend to leave Victoria to travel elsewhere in Australia.
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## Reporting timelines

A registrable offender must report personal details to Victoria Police once per year during the reporting period. Adults are required to comply for a period of eight years, 15 years or life depending on the class level of the offence(s).

For young people under the age of 18, the reporting period is halved with a maximum of seven and a half years. A registrable offender is required to be given written notice as soon as practicable of their reporting obligations and the penalties for non-compliance.

Reporting obligations begin when the registrable offender is sentenced for the offence, or when the registrable offender ceases to be in custody in relation to the offence, whichever is later.

Reporting obligations include:

- an initial report – within seven days

- ongoing reporting:
- every year by the end of the calendar month of the anniversary of the initial report
- any changes to personal details and circumstances – within 14 days of the change
- intended absence from Victoria
- changes to travel plans while out of Victoria.

Failure to comply with reporting obligations, without reasonable excuse, is an offence which carries a penalty of imprisonment.

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## **Additional Information**

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- [Email the Sex Offenders Registrar \(mailto:Ancor.Registrar@police.vic.gov.au\)](mailto:Ancor.Registrar@police.vic.gov.au)
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Web Page Address: <http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sex-offender-registry>

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