



# Youth justice custodial practice manual

Secure Services

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

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Youth Justice Custodial Services Practice Manual (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual>) > Introduction to working in the custodial precincts (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts>) > The Victorian Youth Justice System overview (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts/victorian-youth-justice-system-overview>)

## The Victorian Youth Justice System overview

- The Department of Health and Human Services is responsible for the statutory supervision of young people in the criminal justice system.
- Youth justice provides close supervision, offending-related programs and links to support services.
- We help young people resolve difficulties so they can address their offending behaviour and make positive choices in their lives.

### When to use this procedure

This procedure is an overview of the Victorian youth justice system – its component parts and functions, objectives and principles.

### What else you need to know

Make sure you have read and understood the following procedures:

- [How we work with young people in custody](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts/how-we-work-with-young-people-in-custody) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts/how-we-work-with-young-people-in-custody>)
- [Young people's legal entitlements](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts/young-peoples-legal-entitlements) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts/young-peoples-legal-entitlements>)
- [Professional behaviour and boundaries](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts/professional-behaviour-and-boundaries) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts/professional-behaviour-and-boundaries>)

[manual/introduction-to-working-in-the-custodial-precincts/professional-behaviour-and-boundaries](#))

- [Custodial Orders \(http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/young-peoples-legal-status/custodial-orders\)](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/young-peoples-legal-status/custodial-orders)
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## **Staff responsibilities**

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Find your role below to see what your responsibilities are:

- [All staff](#)
  - [General Manager](#)
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### All staff

#### **At all times**

- Know where your role fits within the youth justice system.
  - Understand your responsibilities for meeting the objectives of youth justice in Victoria.
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### General Manager

#### **At all times**

- Ensure precincts are managed so that the youth justice system meets its statutory obligations.
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## **The procedure in detail**

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- [Legislation](#)
- [Structure and functions](#)
- [Youth Justice Custodial Services](#)
- [Objectives of the youth justice system](#)
- [Youth justice system interventions](#)
- [Youth Parole Board and Youth Residential Board](#)

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## Legislation

The *Children, Youth and Families Act 2005* (CYFA) is the principal legislation that underpins the youth justice system.

It provides the framework for youth justice, child protection and family services, as well as the constitution for the Children's Court of Victoria – a specialist court that deals with matters relating to children.

The CYFA stipulates that the developmental needs of children and adolescents must always be considered in the court's decision making. These requirements are fundamental to the Department of Health and Human Services' administrative role with young offenders, as distinct from the Department of Justice.

The *Sentencing Act 1991* creates a dual-track system unique to Victoria. This system allows some 18 to 20-year-olds to be sentenced to youth justice instead of an adult prison if the court believes the young person has reasonable prospects for rehabilitation, or is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison.

In addition to the CYFA and the Sentencing Act, other legislation relevant to the operation of the youth justice system includes:

- *Crimes Act 1958*
- *Bail Act 1977*
- *Sex Offenders Registration Act 2004*
- *Magistrates Court Act 1989*
- *Criminal Procedures Act 2009*.

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## Structure and functions

The youth justice system is comprised of the following:

- Youth Justice and Disability Forensic Services (YJ&DF) supports the youth justice system by reviewing, designing and developing specialised statutory services.
- Youth justice teams in each metropolitan and rural area provide supervision to young people on statutory orders living in the community. Senior Practice Advisors (Youth Justice) provide specialist expertise and leadership in each regional division.
- Secure Services provides well-managed, secure and safe facilities that help reduce a young person's risk of recurrence or re-entry into the system, and supports them to reintegrate into the community. The Secure Services branch is accountable for the management and oversight of Youth Justice Custodial Services (YJCS), Secure Welfare Services (SWS) and Disability Forensic Assessment and Treatment Services (DFATS).
- As part of Secure Services, YJCS is responsible for the operation and management of youth justice precincts in Victoria.

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## Youth Justice Custodial Services

YJCS aims to engage young people in change by addressing their offending behaviour and equipping them with the skills required for positive community participation, within a safe and secure environment.

Custodial facilities should provide a humane, safe and secure environment that helps young people address their offending behaviour and to make positive choices about their lives, both during custody and upon their return to the community.

There are two youth justice precincts in Victoria.

Malmsbury Youth Justice Precinct accommodates up to 90 sentenced young men aged 18–21.

Parkville Youth Justice Precinct has a capacity of up to 123 young people. It accommodates:

- young men aged 10–14 who are remanded or sentenced
- young men aged 15–18 who are remanded or sentenced
- young women aged 10–21 who are remanded or sentenced.

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## Objectives of the youth justice system

Youth justice provides programs and resources to help young people in the criminal justice system to develop the knowledge, skills and attitudes to manage their lives effectively without further offending.

The youth justice system's objectives are to:

- support the diversion of young people charged with an offence from the criminal justice system where appropriate
- minimise the likelihood of reoffending and further progression into the criminal justice system through supervision that challenges offending behaviours and related attitudes and promotes positive behaviours
- work with other services to strengthen community-based options for young people enabling an integrated approach to support that extends beyond the court order
- engender public support and confidence in the youth justice system.

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## Youth justice system interventions

### **Dual-track system**

Section 32 of the *Sentencing Act 1991* provides for some 18–20 year olds to receive a custodial sentence to a youth justice precinct instead of an adult prison if the court believes the young person:

- has reasonable prospects for rehabilitation
- is particularly impressionable or immature
- is likely to be subjected to undesirable influences in an adult prison.

This is commonly referred to as the dual-track system.

## **Pre-sentencing**

Youth justice in Victoria seeks to divert young people from entering or progressing further into the criminal justice system. A number of programs assist with this goal.

The Central After Hours and Bail Placement Service (CAHABPS) is a statewide service providing a single point of contact for police when remand of a young person is being considered outside of business hours. The service may be used voluntarily by any young person being considered for remand by police or if bail accommodation is required to avoid remand.

The Youth Justice Court Advice Service (YJCAS) provides information to the children's and adult courts on a range of community-based options including diversion, bail, and community support services.

YJCAS undertakes suitability assessments for bail supervision, Youth Justice Group Conferencing and custodial orders.

In the Children's Court, the Intensive Bail Supervision Program provides support to young people aged 10–18 years who are at immediate risk of remand.

The adult courts can request that youth justice provide bail supervision and progress reports for young adults aged 18–20 where diversion from a more intensive adult justice outcome is possible.

At the request of the court, a sentence can be deferred for up to four months for youth justice to provide a pre-sentence report, which may also result in referrals to support services. These reports include information on a young person's circumstances and usually include recommendations for sentencing.

When considering a probation or youth supervision order, the Children's Court can order a Youth Justice Group Conference (YJGC). Based on restorative justice principles, a YJGC brings together the young person and their family, the victim/s and the police to increase the young person's understanding of the impact of their offending.

## **Post-sentencing**

Once a young person has been sentenced, interventions emphasise effective rehabilitation of high-risk offenders, and the delivery of pre-release, transition and post-release support programs to reduce the risk of reoffending.

The court can impose a community-based sentence requiring a young person to accept supervision from a youth justice unit while on a Probation, Youth Supervision or Youth Attendance order (YAO). A YAO requires the young person to undertake community work. Young people on community-based orders will receive statutory and case management support from Youth Justice Workers at area-based youth justice units.

Young people convicted of serious offences can be sentenced to a custodial order requiring them to be detained for a period in a youth justice precinct. The section on custodial orders provides more information on the types of orders that are available to the courts when sentencing a young person.

## **Aboriginal Youth Justice program**

Young Aboriginal people involved with or at risk of entering the youth justice system can access culturally appropriate support and advocacy through Aboriginal Cultural Support workers and Aboriginal Intensive Support practitioners. This support is available to young people at a range of points during their contact with youth justice, including while in custody.

## **Youth Justice Community Support Service**

The Youth Justice Community Support Service (YJCSS) is an integrated approach undertaken in partnership with community service organisations.

YJCSS provides young people with intensive case management to support their social connectedness, economic participation and reintegration in the community. YJCSS can endure beyond statutory supervision, which is limited to the length of the court order.

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## **Youth Parole Board and Youth Residential Board**

The Youth Parole Board and the Youth Residential Board are established by ss. 431 and 442 respectively of the *Children, Youth and Families Act 2005*. The boards have the power to release young people on parole from youth justice custody. The decision to do so balances the young person's need for rehabilitation and reintegration with the community's need for protection and safety.

Parole allows young people on custodial orders to serve part of their sentence in the community. Area youth justice units supervise young people on Parole Orders.

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