

# What I need to know...

Rights and rules in youth justice custodial precincts



## What I need to know...

Rights and rules in youth justice custodial precincts

# Contents

What is this booklet about?	1
Why do we have youth justice precincts?	2
Who works at the precincts?	3
What is expected of me at this precinct?	5
What will I be doing at the precinct?	6
What are my rights?	7
What are the rules?	9
Can staff search me?	9
What about my personal clothing and property?	10
Who can visit me and when?	11
What about letters and phone calls?	13
Who will support me?	14
Coping skills	15
Legal representation and the police	16
What is a client assessment and plan (CAP)?	17
Am I allowed to have leave from the precinct?	18
What happens to prepare for my release?	19
When can I return to the community?	20
What if I have a problem or complaint?	21
Contacts	22
My information	23

If you need help to understand the information in this booklet  
ask one of your youth workers.

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, May 2015

Printed by Ability Press, Keysborough (3951112)

## What is this booklet about?

When young people come to a youth justice precinct they often have a lot of questions, like:

- What are the rules in a youth justice precinct?
- Can I have visitors, and who can come to see me?
- Can I make phone calls or write letters to people?
- What help can I get with my problems?
- What do we do each day?
- If I want to make a complaint, who do I speak to?
- What happens if I get sick?
- Who can I talk to?
- Will I be safe?

This book will help answer some of your questions.

If you cannot find the answer to your questions in this booklet, please ask one of the youth workers.

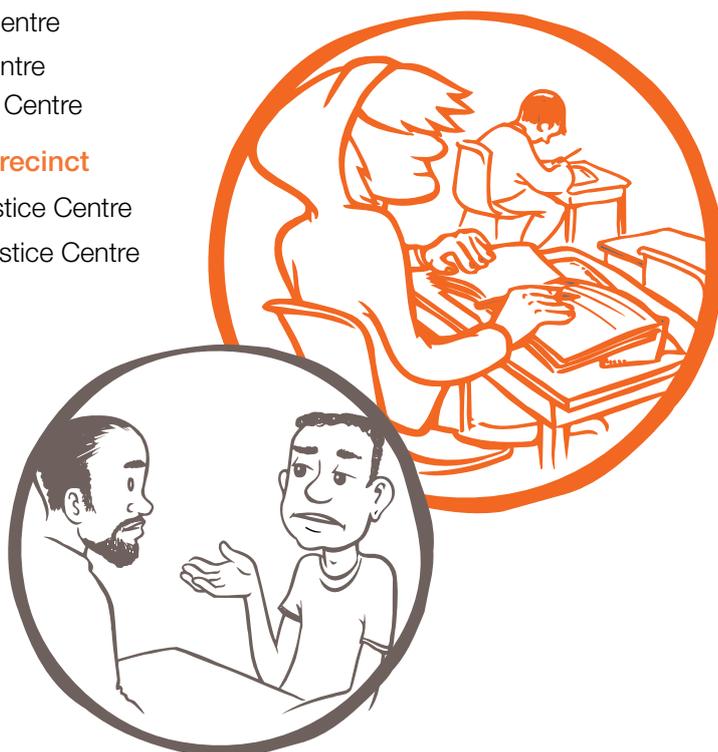
### Victoria's youth justice precincts

#### Parkville Youth Justice Precinct

- Parkville Youth Residential Centre
- Melbourne Youth Justice Centre  
– incorporating the Remand Centre

#### Malmsbury Youth Justice Precinct

- Malmsbury Senior Youth Justice Centre
- Malmsbury Secure Youth Justice Centre



## Why do we have youth justice precincts?

### If you are here on a sentence

- Sometimes when you break the law and go to court, the courts may give you a sentence to serve in custody for a specified period of time. This period of custody can take place in a youth justice precinct or in an adult prison.
- If you are 18 or under when you break the law, the court will send you to a youth justice precinct. If you are over 18 and under 21 at the time of sentencing, the court can choose to send you to a youth justice precinct rather than sending you to an adult prison.
- Youth justice precinct help you to work on your offending behaviour and any other behaviours which may cause you difficulty when you return to the community.

## How is being in custody on remand different from being on sentence?

Remand means being held in custody while you are waiting for your court case after you have been charged with an offence.

A magistrate or judge may order that you spend time on remand before your court case for a number of reasons. The court may think you might offend or that you may not turn up for the court case unless you are in custody.

After a court has remanded you, you will be admitted to a youth justice precinct. You will be seen by the health service to make sure you are okay. For the first few days at the precinct, you will be assessed by workers to find out what activities you might do while waiting for your court case.

These activities could include:

- education
- counselling, if you are having difficulties coping while on remand
- organising legal aid or medical assistance
- organising visits from your family
- working towards getting bail.

While you are on remand the rules of the precinct are there to help keep you and others safe. It is in your best interest to get involved in activities that are available, because magistrates and judges often ask for reports about your behaviour and attitude while at the precinct.

## Who works at the precincts?

<b>Director Secure Services</b>	responsible for youth justice precincts.
<b>General Manager</b>	oversees one of the precincts.
<b>Operations Manager</b>	supports the General Manager to manage the precincts.
<b>Unit Manager</b>	is the person in charge of your unit.
<b>Unit Coordinator</b>	works with your Key Worker to make sure you have a plan for your time here and when you are released.
<b>Unit Supervisor</b>	manages the day to day running of a unit.
<b>Youth Workers</b>	work with you every day.
<b>Health Workers</b>	provide you with a range of services including medical, mental health, drug and alcohol counselling, and specialist counselling.
<b>Program staff</b>	organise and run programs and activities for you at the precinct.
<b>Cultural Support staff</b>	support you to access information and services related to your cultural background.
<b>Teaching staff</b>	provide educational programs for you at Parkville College.



## Youth Workers

### What is Key Worker

One of the Youth Workers from your unit will become your Key Worker. You will find out who your Key Worker is shortly after your admission. Your Key Worker will help you with any problems you have and help you plan for your return to the community and your future.

### What is an Area Youth Justice Worker?

If you have a community-based, Department of Health & Human Services worker (someone from youth justice, child protection, or disability services), this person is called an Area Youth Justice Worker and will stay in contact with you while you are in the precinct and will also help you plan for your release from the precinct.

Your Key Worker will work with you and your Area Youth Justice Worker to help you to:

- develop a plan for what you need
- plan for your return to the community
- access services to work with you on your problems
- have positive relationships with your family or other people important to you
- plan ways to help you stop your offending
- find accommodation if you cannot go home
- access Centrelink if you need to
- Deal with any outstanding court matters.

## If you are on remand

Workers in the precinct will not ask you questions about the offence you are on remand for, but may ask you about any previous offences and other personal information. Also, your Area Youth Justice Worker might be asked to write a report for the court with information about you and your situation.

## If you have been sentenced

If you are on a sentence, your Area Youth Justice Worker will develop a client assessment and plan (CAP). Your client assessment plan is an agreement between you and your Key Worker so that you both know what has to be done to make sure you do not offend again.

## What is expected of me at the precinct?

- That you work hard at fixing your problems.
- That you attend all education and other programs scheduled for you.
- That you follow staff direction.
- That you treat other young people and staff with respect and make an effort to get along with them.
- If you have been sentenced, that you work at stopping your offending behaviour.
- If you are upset about something, talk to staff to work it out instead of getting angry or violent.
- That you respect other people's opinions and personal space.
- That you take care of yourself, your room and your belongings.
- That you do your unit housework.



## What will I be doing at the precinct?

- Every day there are community meetings in your unit to talk about how things are going in the unit.
- There is a school where you will work on reading, writing and gaining job and other life skills.
- The sport and recreation classes will keep you active and healthy.
- As well as school and recreation there are many other interesting programs. These activities will help keep you busy and teach you new skills.
- If you want to know what programs there are, check the timetable for your unit.
- If you are serving a sentence you will work with your Key Worker and other people to help you stop your offending behaviour and examine any other problems that lead you to offend.

### Parkville Youth Justice Precinct

At Parkville, you will attend classes and programs from Monday to Saturday. You are expected to attend all programs and classes you have been scheduled for, unless there is a good reason why you are unable to attend, such as an important appointment.

If you decide, for no acceptable reason, that you are not going to attend the programs and classes scheduled for you, you will get cleaning work in your unit.

### Malmsbury Youth Justice Precinct

At Malmsbury you will go to school or participate in vocational training.

If you decide, for no acceptable reason, that you are not going to attend the program scheduled for you, you will be expected to do cleaning work in your unit.



## What are my rights?

All young people have legal and human rights in custody. The list below shows some of the rights provided by the *Children, Youth and Families Act 2005* and the *Charter of Human Rights and Responsibilities Act 2006*.

- You have the right to feel safe. If you feel unsafe or bullied it is important that you tell staff.
- You have the right to be treated with humanity and respect.
- You have the right to be treated in a way that is appropriate to your age.
- You are entitled to have visits from approved people including your parents, relatives, legal representatives, and other support workers. You will find more information about visits later in this booklet.
- You are entitled to have your medical, religious and cultural needs met. If you are Aboriginal, this also includes your needs as a member of the Aboriginal community.
- You are entitled to have information provided to you on the rules of the precinct and what the staff can do to help you.
- You are entitled to complain if you feel you are being mistreated. You will find out how to make a complaint later in this booklet.



## What are the rules?

You will get a copy of the rules after you arrive.

Remember, if you are not sure about any of the rules, ask a staff member.

Most of the rules are common sense. They are there to make your stay easier and to make sure everyone is treated well.

### Important rules are:

1. You must not hurt anybody by what you do, or by what you say.
2. You must not steal other people's things.
3. You must not bully, stand over, fight or threaten anyone at the precinct.
4. You cannot have money (your own money will be locked away in a safe).
5. You are not allowed to have:
  - lighters and cigarettes
  - drugs or alcohol
  - a weapon or anything that can be used as a weapon
  - pornographic, racist or violent pictures, magazines, books or music
  - mobile phones, music devices or game devices
  - any electronic equipment that has not been authorised by the Director Secure Services.

These things are called contraband. Contraband is anything you are not allowed to have in the precinct.

6. It is an offence for you to escape, or try to escape, or encourage or help another person to escape.

Some of these rules are law; your worker will outline which ones. Breaking these rules is actually breaking the law. If this happens the police may come to the precinct and charge you with new offences.



## Can staff search me?

You will be searched:

- when you are first admitted to the precinct
- any time you leave the precinct and return, for example, going to court or going on leave
- within the precinct if you are suspected of having drugs, alcohol, weapons or anything else you are not allowed to have.

There are regular searches of the unit and random searches of your bedroom. This is to check for dangerous objects or contraband so that we can make sure everyone is safe.

There are different types of searches that can be carried out within the precinct. Staff will explain these to you and tell you what you need to do when you are being searched. If you feel uncomfortable about being searched, you should discuss this with your Key Worker or you can ask to speak to a precinct manager about it.

Searches are always carried out with at least two staff members present.

Staff must complete these searches and, if you refuse, staff may use reasonable force to undertake the search. If you have a concern, you can ask to speak with the Unit Manager or Unit Coordinator.

### CCTV

- There are CCTV cameras around youth justice precincts. This means everyone's activities are watched and listened to, to keep the precinct safe. Things that happen in the precinct can be watched on monitors, as they actually happen.
- CCTV can be used to double-check incidents and see who was involved.
- It can also be used as evidence of illegal acts, and may be given to Victoria Police.
- Only authorised people can view CCTV monitors and footage. All CCTV recordings are kept secure.



## What about my personal clothing and property?

### Malmsbury and Parkville youth justice precincts

- You will be issued with a range of clothing on admission.
- You are allowed to wear your own underpants and socks. Your family can bring extra underpants and socks.
- Your personal clothing will be kept separately in a locker. (Personal clothing means clothing that you own, not clothing issued to you at the precinct). Any extra personal clothing will be stored in a locker or will be packed up and given back to your family. You are allowed to wear your personal clothing when going to court or on certain types of leave.

### What can I have in my bedroom?

Every young person is allowed the following in their bedrooms:

- five books (other books to be stored in locker)
- five educational or special interest magazines (you are not allowed pornographic, violent, racist or drug-related materials)
- a reasonable quantity of photos
- a reasonable quantity of posters placed in a specific location
- a reasonable amount of issued clothing
- a reasonable amount of toiletries
- bedding items issued to you.

If you want something else in your room, it has to be approved by the Unit Coordinator or Unit Manager. Sometimes your personal things can be removed from your room. This can happen if staff are concerned you might hurt someone or yourself, or if you are doing something dangerous. If items are removed, the staff member will tell you why this is happening.

## Who can visit me and when?

Your Key Worker will help you develop a contacts list and let you know how to arrange visits.

The Unit Manager approves all visits and staff supervise all personal visits.

Unauthorised people, for example, someone who threatens your safety, are not allowed to communicate with you. Staff can stop unauthorised people from visiting you and communicating with you, even if you are on leave and not at the precinct.

### Your visits

Sometimes your visitors may bring in approved items for you. These must be given to admitting staff before the visit and will be searched and listed on your property list before being given to you. Speak with your Key Worker or Unit Manager about what items can be brought in for you.

You can have visits from:

- close members of your family
- professional workers.

Any visitor who is under 18 must be accompanied by an adult and have the consent of their parent or guardian.

### What if my family cannot afford to visit me?

If your family live a long way away from the precinct and have a low income, they may be given help with their travel costs.

## Visiting hours at the precincts

### Parkville Youth Justice Precinct

#### Professional visits

Where possible, your professional visitors such as your legal representative and Area Youth Justice Worker should visit occur outside of school and program hours.

At Parkville Youth Justice Precinct, these times are:

- between 9.30 am and 12.30 pm or
- between 1.00 and 4.00 pm.

#### Family visitors

If you are on remand, visiting hours for you family member are:

Weekdays:

- between 1.00 and 2.00 pm (during lunchtime) or
- between 3.30 and 5.00 pm (if you are under 15 years of age) or
- between 3.00 and 5.00 pm (if you are over 15 years of age).

Weekends and public holidays:

- between 1.30 and 4.00 pm.

### Malmsbury Youth Justice Precinct

#### Professional visits

Where possible, your professional visitors such as your legal representative and Area Youth Justice Worker should visit occur outside of school and program hours.

#### Family visitors

Personal visits are limited to family members and girlfriends/boyfriends only. If you have no close family relationships, the Unit Manager or Unit Coordinator can make arrangements for other people to visit.

Visiting hours (at Malmsbury Services Youth Justice Centre) are on weekends and public holidays only between 1.30 and 4.00 pm.

All approved visitors must be booked in with the administration team by 5.00 pm on the Wednesday before they visit.

Over holiday periods such as Christmas and Easter, the total number of visits you have will be determined by the General Manager or Operations Manager.

No one can visit Malmsbury Youth Justice Precinct on 'catastrophic' fire alert days. On days of 'extreme' fire danger, the general manager will decide whether visitors are allowed.

Ask your Key Worker about visiing times at Malmsbury Secure Youth Justice Centre.

## What about letters and phone calls?

- When you are admitted, your Key Worker will ask you who you would like on your phone contact, mail contact and visitor lists.
- There are some people you cannot write to, such as victims of your crime or co-offenders.
- A staff member will check all mail and packages you receive and send, to make sure they do not contain contraband or inappropriate contents.
- You are allowed to make phone calls to your legal representative, the Victorian Ombudsman, or other professionals. These are not considered normal calls and will not reduce the number of calls you can make to your family or other personal contacts.
- Phone calls are recorded and may be listened to by staff in some cases, except for calls to the Ombudsman or your legal representative.
- Your phone call will be stopped if you swear or use abusive or threatening language.
- Phone calls are made and received at set times. Speak to staff about what times you can make a call.



## Who will support me?

There are counsellors and psychologists to help you work on issues with cigarettes, alcohol and drugs, anger, violence, offending, sexual health and family issues.

If you would like to see a counsellor or psychologist, let your Key Worker or a staff member know and they will arrange it for you.

### Are there any other supports?

Chaplains can give you spiritual support and can help you in a number of other ways while you are in custody.

For example, they can help you to connect with your family, or can give you practical support like providing prayer mats, rosary beads, or other religious items.

Chaplains from the Anglican and Roman Catholic churches can meet with you individually and can support you to connect with a member from your denomination if you would like this.

Chaplains also conduct regular worship services in the precincts, which you are welcome to join, regardless of your faith.

If you follow a religion that is not represented by the Chaplains, please ask your Key Worker or Program staff to see a leader from your own faith community.

You can contact the Chaplains through your Key Worker, or feel free to approach the Chaplains yourself when you see them.

### What if I feel sick or get hurt?

If you are sick or get hurt there are health staff at the precinct to see you at set times during weekdays. Unit staff will arrange a nurse or a doctor to see you out of these times, if you are feeling unwell.

If you are taking any medicine, the nurse or a unit staff member will give this to you at the right time.

Dental and other medical services are available if you need them. Talk to your Key Worker if you would like to be referred to the health service.



## Coping skills

You may find being in custody a difficult experience, especially at night. Some ways you can deal with this are:

- listening to music
- reading
- drawing
- writing letters
- request a roommate, if this will help.

There are people in the precinct who you can talk to if you are not coping well. They include:

- Chaplain
- Area Youth Justice Worker
- Key Worker
- Unit Coordinator
- Unit Manager
- Health staff
- family and friends outside the precinct
- other young people in custody who you trust
- Education or Program staff
- Cultural Support staff.



## Legal representation and the police

- You have the right to your own legal representative, or Victoria Legal Aid will provide one for you. This can be organised by your Key Worker or a staff member.
- Youth workers are not allowed to give you legal advice.
- If you are on remand, you might be able to apply for bail. Speak to your legal representative or the Manager of Bail and Remand Case Coordination at Parkville Youth Justice Precinct.
- Victoria Legal Aid visits the precinct regularly and can give you legal advice.

## What is a client assessment and plan (CAP)?

A client assessment and plan (CAP) is a document developed with you to help you and the precinct staff to understand your situation, set goals to help you stop your offending, and plan for your return to the community.

Before you leave the precinct and return to live in the community, you will have an exit plan meeting. This meeting makes sure that services are in place to help you reach the goals you have set.

### What about the privacy of my personal information?

Information about you will be collected and used in accordance with the law. Staff are not allowed to give information about you to the public. You can see the personal information about you, held at the precinct, by asking your Key Worker or by making an application under the *Freedom of Information Act 1982*. Speak to your Unit Manager if you want to know more about this.



## Am I allowed to have leave from the precinct?

If you are in custody on remand, you are allowed to have leave from the precinct for medical emergencies, for compassionate reasons, or due to other special circumstances, with the approval of the Director Secure Services.

If you have been sentenced (in other words you are not on remand), you may be able to have temporary leave when:

1. You have reached a certain point in your sentence, and
2. Your behaviour has been acceptable, and
3. You have been regularly attending programs.

When you first go on leave, you will be escorted by staff and you have to follow their instructions. Your Key Worker will talk to you about the types of leave, and the conditions that will apply to you when you are on leave.

If you breach your leave conditions or do not return to the precinct, the police will be notified and you will be charged with a criminal offence.

Leave is designed to help you prepare for when you get out.

Leave can be organised for the following purposes:

- to visit family or other people important to you
- to meet with your workers or professional people helping you
- to connect you with employment or school
- to help you find accommodation
- to attend programs or services in the community.



# What happens to prepare for my release?

## Planning to leave the precinct

Your Key Worker will organise an exit planning meeting about 4 to 8 weeks before your earliest release date. People who can help you when you leave the precinct will be at the meeting.

This meeting is to make sure that all the services and supports you need are in place for your release, for example, suitable accommodation and support to attend appointments.

Someone independent will interview you before you leave, to find out about your experience of being in custody, this interview is voluntary.

## How do I prepare to leave the precinct?

- You will be provided with bags or have your luggage returned to you so you can pack up your belongings.
- You will need to return all the precinct's equipment, instruments and books. All the people who need to be contacted about your release will have been contacted by your Key Worker.
- You will be asked to complete a voluntary exit survey, which involves answering some questions about your experience (if you have been at the precinct for longer than one month). A worker who is not from your unit will help you complete the survey.

## On the day of your release from the precinct

On the day of your release you will get a copy of the paperwork for your release. Your Key Worker will also help you to complete all the necessary forms, such as signing for your personal property, and will provide you with your personal identification. Transport from the precinct will have been arranged at your exit planning meeting.

## Who decides when I am released from custody?

The Youth Parole Board grants parole. When setting the date for release will consider your behaviour, participation in education and programs and how well you have engaged with the Health Workers and other services offered to you during your time in custody.

Your Key Worker will prepare a report that says how you have been going. This is presented to the Parole Board to help them make their decision. If you have an Area Youth Justice Worker this person will also prepare a report about what has been put in place for you in the community. You will appear before the Board and be asked questions about your plans and your feelings and attitude about parole.

## When can I return to the community?

### What are remissions?

If you are on a sentence of less than six months, you may be eligible for early release, without parole supervision. Up to one-third of your sentence can be granted through the remissions process. Whether or not you are eligible for remissions will depend on whether you have behaved well at the precinct.

### What is parole?

If you are on a sentence of six months or more, you are usually eligible for parole. Parole means you are released to spend part of your sentence in the community, supervised by your Area Youth Justice Worker (also known as your Parole Officer).

While on parole there will be certain things you have to do, people you have to see, and conditions you have to meet. This will all be explained to you by your Area Youth Justice Worker. Parole can be cancelled if you do not meet your parole conditions.

### If you are on remand

If you are at the precinct on remand, you may be allowed to leave if granted bail by the courts.

### What is bail?

Bail means that you have permission to wait for your court date in the community and not in custody. While you are on remand, you may want to make an application for bail.

Your Key Worker will help you apply for bail if you want to. You may have to contact your lawyer so you can go to court and apply for bail. The magistrate or judge will not automatically grant you bail. Sometimes, to get bail, you will be asked to have someone pay a deposit (a bond).

## What if I have a problem or complaint?

Your first step is to talk to your Key Worker if you have a complaint about:

- how you have been treated in police custody
- how you have been treated in the precinct
- the standard of care or accommodation at the precinct.

You can also ask to speak to the Unit Manager, or you can talk or write to the General Manager of the precinct. Another option is to speak to someone outside the precinct such as the Victorian Ombudsman or an Independent Visitor.

### Independent Visitors

There are people called Independent Visitors, from the Commission for Children and Young People, who visit youth justice precincts once a month. You can talk to Independent Visitors about your time in custody. If you have a problem or complaint, these people will help you sort it out with precinct staff.



## Contacts

### Equal Opportunity and Human Rights Commission

Level 3, 204 Lygon Street  
 Carlton Victoria 3053  
 Telephone: 1300 891 848

### Health Services Commissioner

Level 26, 570 Bourke Street  
 Melbourne Victoria 3000  
 (ask staff to download the complaint form from the Commissioner's website [www.health.vic.gov.au/hsc/complaint.htm](http://www.health.vic.gov.au/hsc/complaint.htm))  
 Telephone: 1300 582 113

### Independent Broad-based Anti-corruption Commission

Level 1, North Tower, 459 Collins Street  
 Melbourne Victoria 3000  
 Telephone: 1300 735 135  
 (Complaints about Victorian public sector corrupt conduct or police personnel misconduct)

### Legal Aid Victoria

350 Queen Street  
 Melbourne Victoria 3000  
 Telephone: 1300 792 387

### Minister for Families & Children

Level 22, 50 Lonsdale Street  
 Melbourne Victoria 3000  
 Telephone: 9096 0000

### Office of the Victorian Privacy Commissioner (Privacy Victoria)

Level 11, 10–16 Queen Street  
 Melbourne Victoria 3000  
 Telephone: 1300 666 444

### Ombudsman Victoria

Level 1, 459 Collins Street (North Tower)  
 Melbourne 3000  
 Telephone: 9613 6222 or toll free (regional areas only)  
 on 1800 806 314

### Secretary of Department of Health & Human Services (Complaints)

50 Lonsdale Street  
 Melbourne Victoria 3000  
 Telephone: 9096 0000





