



**SOUTH AUSTRALIA POLICE**  
KEEPING SA SAFE

Your Ref:  
Our Ref: 20/0929  
Enquiries:  
Telephone: 7322 3347  
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Mr Michael McKinnon  
ABC  
GPO Box 9994  
BRISBANE QLD 4001

Email: [mckinnon.michael@abc.net.au](mailto:mckinnon.michael@abc.net.au)

Dear Mr McKinnon

**Re: Freedom of Information Act application**

In reference to your application made pursuant to the Freedom of Information (FOI) Act 1991, access was sought to:

*"Documents produced in the last 2 years months (sic) detailing incidents when underage children (legally defined as non-adults) have been detained in police custody (including watch houses) when such detention or its duration was in breach or against guidelines and/or protocols and/or policies. I am interested in the details of such incidents."*

Between 24 November 2019 and 12 December 2019 I spoke with you via telephone several times and exchanged emails, regarding the scope of your request. During a telephone call on 12 December 2019 you narrowed the scope of your request to seeking:

*"...Briefing Paper in response to ABC Four Corners program – Inside the Watch House which aired in May 2019."*

South Australia Police (SAPOL) has located a document that falls within the scope of your request. The document is numbered and described in the following schedule. The schedule contains the details of the determination in compliance with section 23. This determination was made on 19 December 2019.

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE				
No.	Document Description	Status	Act	Reason
1	Commissioners Briefing Paper – Subject – Detention of children in SAPOL police facilities – dated 10 May 2019 and consisting of two pages.	Full Release		



Your rights to review

If you are dissatisfied with the determination for access to SAPOL records, you are entitled to exercise your right of internal review in accordance with section 29(1) of the FOI Act by completing a PD362 Application for Internal Review form which can be downloaded from <https://www.police.sa.gov.au/services-and-events/freedom-of-information> or available upon request at your nearest police station. Alternatively an application may be made in writing to the SAPOL Freedom of Information Unit. This application must be lodged within 30 days from the date of this determination with a fee of \$36.75. Such a fee may be waived in the event of an exemption being claimed.

Yours sincerely,



Senior Sergeant First Class Tracy Gentgall  
Officer in Charge  
**Freedom of Information Unit**  
(Accredited Freedom of Information Officer)

23 December 2019

## COMMISSIONERS BRIEFING PAPER

### Subject – Detention of children in SAPOL police facilities

#### BACKGROUND

The ABC's *Four Corners* is airing a program on youths being detained in police custody centres on Monday 13 May 2019. The paper outlines SAPOL's policy guiding the management of youths in police custody.

#### RELEVANT POINTS

- The *Young Offenders Act, 1993* (the Act) governs the management of youths in South Australia. Section 15 of the Act prescribes that a youth who is not granted bail must be detained by the Chief Executive or in a place approved by the Minister.
- In practical terms and in the metropolitan area youth detainees refused bail are conveyed to the Adelaide Youth Training Centre (AYTC) at Cavan. AYTC policy stipulates that before a youth is admitted they must be fit for custody with a blood alcohol reading below 0.05 g/alcohol. AYTC strictly adhere to this 'fit for custody' approach. Therefore there will be circumstances when a youth remains in police custody for extended periods of time.
- The regulations prescribe that outside a 40 kilometre radius of the GPO, a youth maybe detained in a police prison or approved police station. However despite this, country local service areas will facilitate a bail review for the youth and arrange for the transportation of a youth to the care of AYTC minimising the requirement for them to be detained in a police facility.
- The *Bail Act 1985* contains a provision specific to a youth who is refused police bail. When an eligible youth has unsuccessfully applied to a police bail authority for release on bail, the bail authority must, when requested by the youth or a guardian be brought as soon as practicable before a Youth Court for the purpose of making an application for release on bail. This is facilitated during business hours by transporting the youth to court or via a telephone review out of hours.
- The Act prescribes that when a youth is detained in a police facility the person in charge "must take such steps as are reasonably practicable to keep the youth from coming into contact with any adult person detained in that place". Youths are kept separate from adult detainees.
- It is important to note that members are guided by *General Order Youth Justice* where prior to arresting a youth (where practicable) approval will be sought from a supervisor.

- This paper has been prepared with advice from State Operations Service and Inspector Forrest (PSB).
- *General Orders, Custody management, Youth Justice and Bail*, provide good guidance and instruction for the detention of youths in police custody.

## RECOMMENDATION

This briefing paper is noted.

Contact: SS1C Greg Trickett / C/Inspector Teakle  
Reference: Email dated 9/5/19  
Telephone: [REDACTED]  
Date: 10 May 2019

Noted:

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OC CSB  
/ / 2019

Approved

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AC G&CS  
/ / 2019