



Tasmanian
Audit Office

Alignment of the duration of custodial stays at Ashley Youth Detention Centre with related sentencing orders

Report of the Auditor-General

No.1 of 2024-25

Commission of Inquiry - Recommendation 12.26

Recommendation 12.26

The Auditor-General should undertake an audit of the length of custodial stays at Ashley Youth Detention Centre to determine whether they align with sentencing orders.

Key takeaway

The answer to the question posed by the Commission of Inquiry is that all custodial stays were aligned.

Audit objective

The objective of the audit is to express an opinion on whether the length of custodial stays undertaken at Ashley Youth Detention Centre (AYDC) are compliant with sentencing orders under the *Sentencing Act 1997* and *Youth Justice Act 1997*.

Key definitions

Custodial Stays

- custodial stays at AYDC are referred to as episodes
- an episode begins when a young person enters AYDC
- an episode ends when a young person leaves AYDC

Sentencing orders

- Warrant of Commitment for Sentence of Detention – Magistrates Court
- Memorandum of Sentence – Supreme Court

Relevant legislation

Sentencing Act 1997

- Applies to young people appearing before the Supreme Court who are charged with indictable offences (or at the discretion of the Judge for other offences).

Youth Justice Act 1997

- Applies to young people aged 10 to 17 years old at the time they commit an offence or are alleged to have committed an offence.

Audit criterion

1. Are the length of custodial stays at AYDC aligned with sentencing orders?

Limitations to audit scope

The audit did not examine:

- the judicial process for arriving at a sentence for a young offender
- periods of detention, on remand, that have not resulted in a custodial sentencing order
- non-custodial sentences
- pastoral care of young people during their custodial stay
- the financial cost of detention.

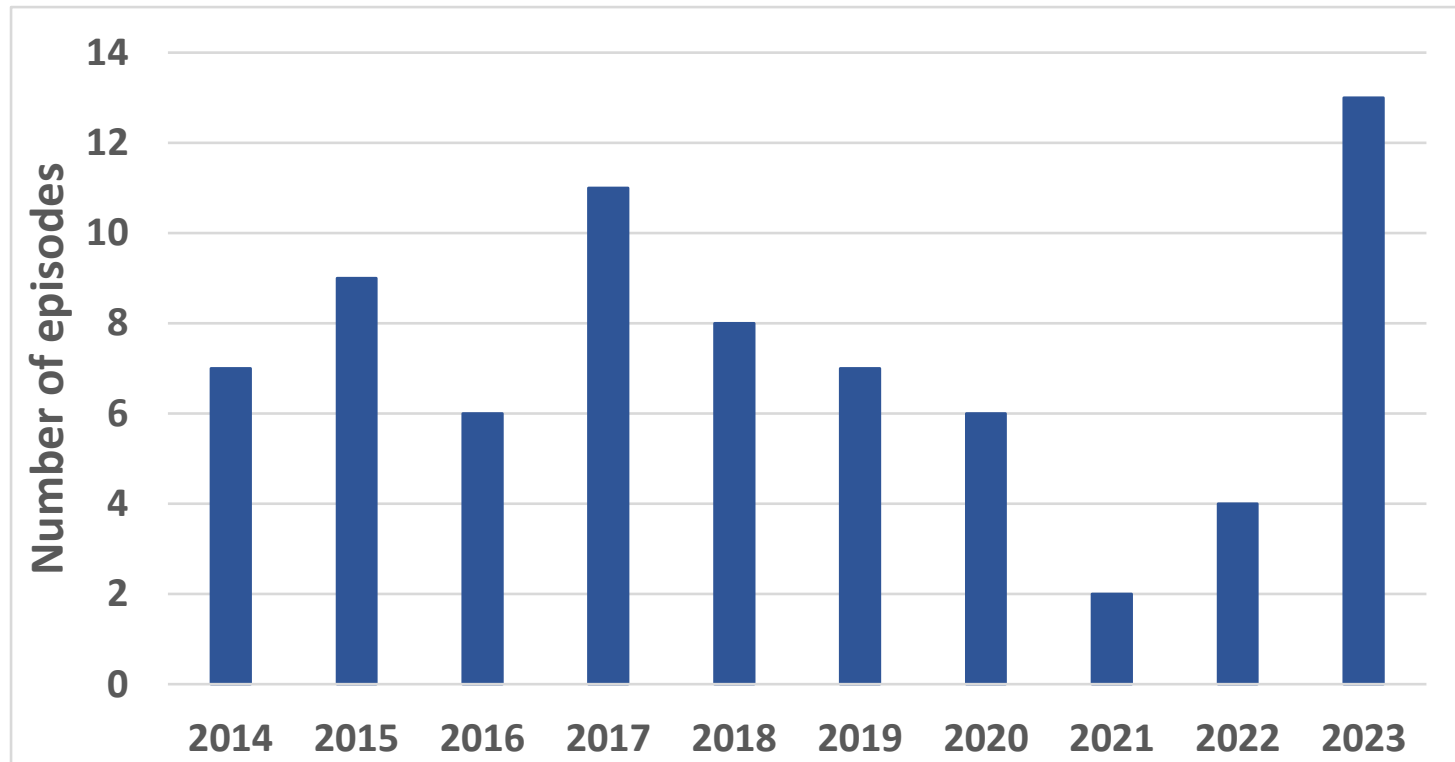
The audit sample

- The audit looked at a random sample of 43 of the 105 young people who served sentenced episodes of detention at AYDC over a 10-year period.



The audit sample

- The randomly selected 43 young people represented 73 episodes at AYDC.
- All were released from AYDC over a 10-year period from 2014 to 2023.



Audit implementation

- Audit implementation involved:
 - Three site visits to AYDC totalling 23 person days
 - interviews and discussion with staff at AYDC, DECYP and DoJ
 - an analysis of:
 - young person cloud-based electronic files
 - young person paper files, on site at AYDC
 - young person records stored in the Youth Custodial Information System (YCIS), on site at AYDC

Findings

Are the length of custodial stays at AYDC aligned with sentencing orders?

Yes, all 73 episodes corresponding to the 43 young people selected for review were found to be compliant with sentencing orders.

Findings – sentencing orders

The sentencing orders clearly defined sentence duration and end date.

We found:

- in all instances, the sentencing order was found to clearly define sentence duration and date of commencement
- prior to 2016, the responsibility of calculating the earliest release date (ERD) fell to staff at AYDC
- since 2016, the potentially complex process of calculating the ERD in accordance with the relevant sentencing legislation has been undertaken by the courts.

Findings - records

The duration of the custodial stay, earliest release date and actual release date were clearly recorded.

We found:

- the duration of the custodial stay, the ERD and actual release date were clearly recorded for all episodes reviewed in YCIS
- a manual override of the YCIS sentence calculation was required for 41 of the 73 sampled episodes to ensure the release date was aligned with corresponding sentencing orders.

Findings – records (cont.)

However, we found:

- where a manual override of YCIS occurred, no documented process of checking accuracy existed
- YCIS is restricted in its capability to read and hold electronic copies of court legal documents
- manual entry was not always checked in detail
- traceability of changes to young person data in YCIS is limited.

Findings – governance and control framework

There was not an effective governance and control framework to administer custodial stays in accordance with sentencing orders.

We found:

- training materials at AYDC have not been kept up to date with current legislation
- policies, procedures, and guidelines to support admissions and releases need updating
- there is no established process for the electronic filing of sentencing orders
- there are significant key-person dependencies at AYDC.

Findings – admission and release records

- We found admission and discharge records to be incomplete.
- Sources used to corroborate the date of release included:
 - Exit Plans
 - Supervised Release Orders
 - Case notes
 - Accommodation logs

Findings – admission and release records (cont.)

- We found 8 of the 73 episodes had variations to what we expected to find:
 - Three were the result of administrative errors but did not impact the date of release.
 - For the remainder, only accommodation logs could be used to corroborate release.

Recommendations

We recommend that DECYP:

1. as matter of priority, updates policies, procedures and guidance that relate to the admission and release of young people
2. establish transparent and accessible controls for recording each actual release date of a young person from youth detention
3. removes or minimises the need for manual data entry and establishes appropriate access controls and audit logs in the system that replaces the current system

Recommendations (cont.)

We recommend that DECYP:

4. stores all sentencing orders electronically in an appropriate records management system
5. regularly monitors and reports publicly on the alignment of youth detention custodial stays with sentencing orders.

Responses

Responses were received, and included in the report, from:

- Attorney-General
- Department for Education, Children and Young People
- Department of Justice