

Environmental and Programmatic Rights of Youth

**DIVISION OF CHILD AND FAMILY SERVICES
Juvenile Justice Services
STATEWIDE INSTITUTIONAL POLICY**

SUBJECT: Environmental and Programmatic Rights of Youth

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SUPERSEDES: YCS P-3

REFERENCES: ACA Standards: 4-JCF-3-Justice and Order

ATTACHMENTS: None

I. POLICY

All youth in correctional facilities have certain recognized rights and responsibilities that must not be violated. These certain recognized rights must be acknowledged and reviewed for each youth and staff. Complaints of abridgment of the rights set forth below shall be subject to the grievance process. Youth are expected to accept the responsibilities required by this policy and those who do not accept those responsibilities (which would result in rule violation) are subject to disciplinary process.

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II. DEFINITIONS

As used in this document, the following definitions shall apply:

Differential Treatment: A failure to treat all persons equally when no reasonable distinction can be found between those favored and those not favored.

Discrimination: An abridgement of rights based upon a person's race, religion, color, gender, age, national origin, sexual orientation, or handicap.

Due Process: A hearing that allows a juvenile an opportunity to be heard and which provides the juvenile notice of the allegations against him/her.

LGBTQ: Lesbian, Gay, Bi-Sexual, Transgender, Questioning

III. PROCEDURES

- A. Youth/Student Handbooks describing Youth Rights and Responsibilities are provided to all youth upon admission to each facility. The information in the Student Handbook is reviewed with the youth during the orientation process. The youth sign acknowledgement forms documenting that their rights have been provided to them in writing and explained to them during the orientation process.
- B. Specific procedures to fulfill the policy requirements are detailed in sections of the Policies and Procedures Manual. To assure compliance with the intent of the Youth Rights Policy, staff should refer to the sections in the Policy and Procedures Manual listed below:
 - 1. Physical Plant
 - 2. Security and Control
 - 3. Food Services
 - 4. Sanitation and Hygiene
 - 5. Medical and Health Care Services
 - 6. Rules and Discipline
 - 7. Communication, Mail, Visiting, & Telephone
 - 8. Grievance
 - 9. PREA Policy and Procedures
 - 10. Incident Review Team
 - 11. Use of Force
- C. This policy will be reviewed annually and revised as needed.

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- D. Each institution shall develop a Standard Operating Procedure (SOP) for this policy.

IV. YOUTH RIGHTS

Youth have the right to be treated respectfully, impartially, and fairly, and will be addressed in a dignified conversational manner.

LGBTQ youth have the right to the considerations outlined in PREA Standard 115.342.

Youth have the right to be informed of the rules, procedures, and schedules concerning the programmatic operation of the facility.

Youth have the right to be free from corporal punishment, harassment, intimidation, threats, harm, assault, humiliation, or interference with the normal bodily functions of eating, sleeping, or bathroom functions by any other youth or staff person.

Youth have the right to be free from discrimination based on race, national origin, color, creed and/or religion, political views, gender, economic status, physical handicap, lesbian, gay, transgender, questioning and intersex youth.

Youth have the right to participate in religious services and religious counseling on a voluntary basis, subject only to limitations necessary for order and security. They will have access to clergy, spiritual advisors, publications and related services that allow them to adhere to their religious practices.

Youth have the right to nutritious meals, proper bedding, clean clothing, daily showers, toilet facilities, adequate lighting, proper ventilation for warmth and fresh air, and an overall safe environment maintained in compliance with state and local fire and safety laws and regulations.

Youth have the right to appropriate medical, mental health and dental treatment.

Youth have the right to regular visits with family and the right to send and receive mail. Youth have a right to uncensored mail. Staff will supervise the opening of incoming mail by the intended recipient youth to insure that items, which threaten the safety and security of the facility, are not present. Staff shall be required to conduct an inventory of all clothing or other personal items received by youth.

Youth have the right to wear personal clothing or standardized clothing provided by the facility. This choice is limited only by facility requirements for safety, security, identification and hygiene.

Youth have the right to personal grooming choices that are race and culturally appropriate and as long as it does not pose any health and safety problem.

Youth have the right to have their personal property inventoried, stored and returned upon release.

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Youth have the right to participate in an educational program, vocational programming and training and therapeutic programming.

Youth have the right to participate in a minimum of one hour of large muscle structured indoor and/or outdoor recreation activities during the week and a minimum of two hours during the weekend.

Youth have the right to file a grievance as a means for the expression and resolution of problems without fear of punishment and/or retaliation.

Youth have the right to due process with the grievance procedure and disciplinary hearings.

In co-ed correctional facilities, juveniles have the right to equal access to programs and services.

Youth have the right to be free from sexual harassment, staff sexual misconduct and sexual assault.

- A. **Responsibilities:** Guidelines clearly establish expectations and require acceptance of certain basic responsibilities.
1. Youth are responsible for following rules, procedures, schedules, and directions of staff while at the facility.
 2. Youth are responsible for not discriminating against other juveniles, contractors, volunteers, visitors or staff, verbally, behaviorally, including hand gestures or signs, or in written forms. Youth are responsible to not use language or behavior, which would imply prejudice or discrimination.
 3. Youth are responsible for helping to clean and maintain living quarters.
 4. Youth are responsible for requesting medical, mental health and dental care when needed.
 6. Youth are responsible for maintaining appropriate personal hygiene standards, which include maintaining their clothes in a clean, and odor free condition and keeping their hair clean. Hair care services are made available to them on a regular basis.
 7. Youth are responsible for reporting any violation of their rights.
 8. Youth are responsible for reporting any form of retaliation.
 9. Youth are responsible for initiating an appeal and using appeal procedures for any disciplinary action they feel resulted in their unfair treatment.

Note: Youth will not have access to security, control, safety, and emergency procedures that could jeopardize the safety and security of the facility.