





San Francisco Juvenile Probation Department

Juvenile Hall Policy and Procedures Manual

Chapter 5 - Youth Rights

Policy Number:	5.03
Policy Name:	Youth Rights and Responsibilities
Authority:	Title 15, 1353, 1362, 1390, 1391
Replaces:	12.2 Juvenile Rights and Responsibilities (07/05/2012)
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Related Policies and Procedures:	3.05 - Orientation
Related Forms:	
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I. POLICY

Juvenile Hall Administration and Staff shall respect the rights of all youth detained in Juvenile Hall and be responsive to any instance in which a youth's rights are breached. Youth have the responsibility of following the rules, procedures, schedules, and lawful directions of staff while in Juvenile Hall.

The Juvenile Hall Administration and Staff shall ensure that all youth, regardless of disability, limited literacy or English language learners, understand their rights during orientation [Title 15, 1353]. Staff shall ensure that Youth Handbooks and any other available rights related resources are accessible to all youth and readily available in their living units.

Any concerns regarding the lack of access to rights and/or complaints of rights violations may be subject to the grievance process (Policy 6.04 – Youth Grievances).

When youth do not accept and/or fulfill their responsibilities, Counselors shall turn to behavior intervention tools that support and empower youth and/or consult with a behavioral health clinician (Policy 8.05 – Counseling and Supporting Youth).

II. PURPOSE

Providing a “safe and supportive homelike environment” [WIC 851] that respects the rights of youth is one of Juvenile Hall's main priorities. Staff should rely on behavior management systems based on incentives, rewards, and positive reinforcement, trauma-informed care, and individualized safety plans when communicating and supporting youth rights and responsibilities. By familiarizing themselves with the content of this policy, staff can equip themselves with the knowledge that, when combined with a respectful and nurturing approach, ensures a high standard of care.

Treating youth with fairness and respect is an essential piece of cultivating healthy and productive relationships with youth. At the same time, it is important that Counselors hold youth accountable for meeting his or her own responsibilities to staff, themselves, and each other, as outlined in this policy. Counselors should assist youth in seeing their responsibilities as opportunities

both to gaining trust of staff, peers, and eventually privileges. By emphasizing the ways in which a youth's behavior has a positive impact on their community and peers as opposed to addressing or highlighting only negative behaviors, Counselors can provide youth with a strength based manner of support and ideally a sense of pride in being responsible and dependable. These skills will be essential to youth rehabilitation, growth, and stability upon release.

III. PROCEDURE

A. Youth Rights

Staff shall understand, acknowledge, and protect the following rights of all youth in Juvenile Hall:

- i. **Right to Orientation and Understanding of Juvenile Hall Rules**
 - a. All Juvenile Hall youth have the right to orientation upon admission. [Title 15, 1353]
 - b. Youth have the right to access a copy of the Youth Handbook as well as a copy on the living unit.
 - c. Youth have the right to see the Daily Schedule posted in their living unit so that they are aware of the day's programming.
- ii. **Access to the Courts, Legal Counsel, and Probation Officers**
 - a. All Juvenile Hall youth are entitled to access their attorneys, legal representatives, and the Court system including attending all court hearings pertaining to them (Policy 5.01 – Youth Legal Access for information on access to Counsel and the legal process).

- b. Unit Counselors shall coordinate contact between youth and his or her Probation Officer as detailed in Policies 8.01 – General Unit Program and 5.08 – Visiting.

iii. Communication

- a. All Juvenile Hall youth are entitled to access all approved forms of communication including, but not limited to, access to Mail, Telephone, and Visiting.
- b. This includes the ability to maintain continuous contact with parents, guardians, siblings, children, extended family members, and community supports through visits, telephone calls, and mail.

iv. Necessities

- a. All Juvenile Hall youth are entitled to full nutrition, sufficient hygiene items, clothing, and a sanitary living environment as detailed in Chapter 10 – Food Service and Chapter 11 – Sanitation and Hygiene. Counselors shall respond expediently to any complaints from youth relating to these basic necessities.
- b. This includes not being deprived of any basic necessities as a disciplinary measure including food, contact with attorneys, sleep, exercise, education, bedding, religious services, daily shower, drinking fountain, toilet, medical services, reading material, or the right to send and receive mail.

v. **Freedom from Harassment and Discrimination**

- a. Youth shall be made aware of the Department's non-discrimination provision that provides that all youth within the facility shall have fair and equal access to all available services, placement, care, treatment, and benefits; and provides that no person shall be subject to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, immigration status, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status including restrictive housing or classification decisions based solely on any of the above mentioned categories. [Title 15, 1324] Staff shall also treat bullying as a form of harassment.
- b. This includes protection from searches for the purpose of harassment or humiliation or as a form of discipline or punishment (Policy 10.10 – Searches).

vi. **Freedom from Abuse and Neglect**

- a. All Juvenile Hall youth are entitled to be free from abuse and neglect including any physical, sexual, emotional, or other forms of abuse caused by other youth or staff.
- b. Administration and Staff shall report any instance or potential instance of child abuse and/or neglect (Policy 5.06– Mandated Reporting).

vii. Safety

- a. All Juvenile Hall youth are entitled to feel safe and staff shall address any expressed safety concerns of youth promptly.
- b. This includes the right to live in a safe, healthy, and clean environment conducive to treatment and rehabilitation where they are treated with dignity and respect.
- c. Youth identified as vulnerable to mistreatment by others and/or to themselves should be met with responsiveness, services, and follow up as appropriate.

viii. Fair and Equal Access to Services

- a. All Juvenile Hall youth are entitled to fair and equal access to all available services, placement, care, treatment, and benefits (see Chapter 8 – Youth Programs and Activities).
- b. This includes the provision of fair and equal access to programming and services for all male, female, and transgender youth.

ix. Appropriate Services

- a. All Juvenile Hall youth are entitled to appropriate services which address their needs such as medical, dental, and behavioral health services, parenting or pregnancy support, language access, age-appropriate physical exercise and recreation, and special educational assistance.

- b. This includes youth identity or cultural categories, the right to access information and materials that are educational and affirming of their personal identity (for example literature or media on LGBTQQI subject matter for LGBTQQI youth or literature or media on a particular cultural heritage or tradition).
- x. Education
 - a. Youth are required to participate in the full school program.
 - b. All Juvenile Hall youth are entitled to education while in custody which includes access to age-appropriate educational curriculum.
 - c. The right to attend school shall not be denied regardless of the youth's status such as a reintegration and safety plan. (Policy 8.06 – Youth Education Program)
- xi. Media Access
 - a. All Juvenile Hall youth are entitled to reasonable access to the general public through the communications media subject only to the limitations necessary to maintain facility order, security, and to protect youth rights (see Policy 5.3 – Access to Media).
- xii. Self-Expression
 - a. Within the bounds of safety considerations and all Juvenile Hall policies and procedures intended to maintain stability and protect

youth and staff, all Juvenile Hall youth are entitled to various forms of self-expression.

- b. This includes the youth's right to have and voice his or her own political, religious, or other opinions in a manner that is respectful to other youth and staff.
- c. This also includes self-expression through freedom in personal grooming and dress except when a valid interest justifies otherwise.

xiii. Gender Expression and Privacy

- a. All Juvenile Hall youth have the right to determine if they want to disclose information about their sense of identity including their gender, gender expression, and sexual orientation.
- b. Youth who disclose such information, have concerns related to such information and/or their privacy shall be given the opportunity to work collaboratively with staff in making decisions related to their well-being and safety such as decisions relating to housing, programing, communication, and confidentiality.

B. Youth Responsibilities

Staff shall assist youth in understanding, acknowledging, and adhering to the following responsibilities of all youth in Juvenile Hall:

i. Responsible Use of Communication

- a. Youth are responsible for following all rules as outlined in Juvenile Handbook and Orientation Form.**

ii. Respect for Others

- a. Youth shall not harass or discriminate against staff, other youth, or visitors on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, immigration status, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status including restrictive housing or classification decisions based solely on any of the above-mentioned categories. Youth shall also not bully others for any reason.**
- b. Youth shall speak to others using a respectful tone and language while practicing respectful listening when spoken to.**

iii. Respect for Services

- a. Youth shall be attentive and respectful during programming and services.**
- b. Youth are responsible for behaving in a way that does not disrupt or compromise the ability of others to benefit from and participate in available programming and services.**

iv. Respect for the Environment

- a. Youth shall strive to meet cleaning and hygiene standards for themselves, their living environment, and fellow youth.**
- b. This includes maintaining a neat appearance and meeting personal hygiene standards.**