



NEW RIGHTS FOR YOUTH IN JUVENILE HALLS, RANCHES & CAMPS

You have many rights under the Minimum Standards for Juvenile Facilities (found in Titles 15 and 24 of the CA Code of Regulations). Here are some NEW rights that start on January 1, 2019.

ADMISSION

When you first get to the facility, you have the right to:

- ▶ 2 free phone calls in the first hour
- ▶ A shower
- ▶ A secure place for your personal belongings
- ▶ Food, if you want it
- ▶ A screening to find out if you have any needs related to your physical and emotional health and safety

ROOM CONFINEMENT

Room confinement means putting you in a locked room by yourself with no contact with other people except staff and lawyers. Another word for room confinement is "isolation."

- ▶ Staff cannot lock you in a room by yourself unless they have tried other solutions first.
- ▶ Staff cannot isolate you to punish you, make you do something, retaliate against you, or to make their jobs easier. And they cannot isolate you if it harms your physical or mental health.
- ▶ The longest staff can keep you locked in a room is 4 hours. To keep you in a room for longer, staff have to get permission from their boss, write down why and how long they confine you, and make a plan for when you will get out. Every 4 hours after that, they need to get permission from their boss to keep you.

The only exceptions to these rules are for emergencies, like natural disasters, or if a doctor says you need to be in a room by yourself to recover from medical treatment.

SAFETY ROOM

A safety room is a room where the floor, door and walls are all covered with padding.

- ▶ Staff cannot put you in a safety room unless they have tried other solutions first.
- ▶ Staff cannot put you in a safety room to punish you, to make you do something, to retaliate against you, or to make their jobs easier. And they can't put you in a safety room if it harms your physical or mental health.
- ▶ The longest time that staff can keep you in a safety room is 4 hours. If they do not let you out in 4 hours, they have to follow the same rules as they do for room confinement.

USE OF FORCE

Use of force means anything staff does to control your behavior when they think you are going to hurt yourself or someone else. It can include putting their hands or other body parts on you, or using handcuffs, shackles, or pepper spray.

- ▶ Staff can only use force to control your behavior to protect your safety or the safety of others.
- ▶ Staff can only use the amount of force that is reasonable and necessary to keep everyone safe.
- ▶ Whenever staff use force to control you, they have to tell your parents/guardians. They also have to tell their boss and write it down.

CHEMICAL AGENTS

Chemical agents, including pepper spray, are one "use of force" option that some facilities use.

- ▶ Staff can only use pepper spray on you if you are about to hurt yourself or someone else. And they have to try to calm you down first before they spray you.
- ▶ After they spray you, staff cannot leave you alone until you stop having burning sensations, breathing problems or any other negative reactions to the spray.
- ▶ Any time staff use pepper spray, they have to write down how they tried to calm you down first and the reasons they used the spray. They also have to write down your name and their name, when and where it happened, how they helped you recover afterwards, and whether you were injured.

PHYSICAL RESTRAINTS

Physical restraints, which include handcuffs and shackles, are another “use of force” option.

- ▶ Staff cannot handcuff or shackle you unless they try other ways to calm you down first.
- ▶ Staff cannot handcuff or shackle you to punish or discipline you.
- ▶ Staff can never:
 - Use anything (like handcuffs or shackles) that attach you to a wall, the floor, or in a chair.
 - “Hogtie” you by tying your feet and hands together behind your back.
 - Handcuff or shackle you if you are pregnant.
- ▶ Staff cannot handcuff or shackle you to move you around inside the facility unless there is no other way to keep everyone safe. And they must take actions to protect your physical and mental health.
- ▶ Any time staff handcuff or shackle you, they have to get permission from their boss, and they have to write down the reasons.

SEARCHES

Contraband means anything you are not allowed to have in the facility, including drugs or weapons.

A pat down search means that staff touch the outside of your clothes to see if you are hiding any contraband on your body or under your clothes.

A strip search means that staff require you to take off some or all of your clothes so they can see if you have any contraband under your clothes or on your body.

A visual body cavity search means that staff look at, but don’t touch, your rectum or vagina. Sometimes staff ask you to squat and cough to see if there is any contraband in your rectum or vagina.

A physical body cavity search is done by a medical professional who examines your rectum or vagina to see if you are hiding any contraband in your body cavities.

- ▶ Staff can only make you take off your clothes for a search if you are in a private area where you cannot be seen by anyone other than the staff doing the search.
- ▶ Staff can never touch your private body parts (including your breasts, genitals, or buttocks) during strip or visual body cavity searches.
- ▶ If you are female, only female staff can search or see you during the search (including pat-down searches). If you are male, only male staff can search or see you during the search.
 - The only exceptions to this rule are if you are being searched by a medical professional, or during an emergency. The reasons for the exceptions must be written down.
- ▶ Only medical professionals can do a physical body cavity search.
- ▶ If you are locked up right after a detention hearing, you cannot be strip searched unless a supervisor approves the search and staff write down specific facts that make them believe you are hiding contraband.

DISCIPLINE

- ▶ Group punishment is not allowed. If another young person breaks a rule and you had nothing to do with it, you cannot be punished.
- ▶ Unless there is an emergency, staff cannot punish you if you refuse to take psychotropic medications. *Psychotropic drugs change how your brain works, and affect your mood, thoughts, emotions, and behavior.*
- ▶ Staff cannot make you participate in a work program to discipline you.

CLOTHES & SUPPLIES

- ▶ Staff have to give you clean clothes that fit you and don't have holes or tears.
- ▶ Staff have to give you your own set of new cloth underwear that no one else can wear except you.
- ▶ Every day, staff have to give you clean underwear, undershirts and bras that have no stains.
- ▶ Staff have to give you sanitary napkins, panty liners, and tampons when you ask for them.
- ▶ Staff have to give you deodorant, lotion, shampoo and post-shower conditioning hair products (plus toothbrush, toothpaste, brush, comb and shaving equipment) if you are in the facility for more than 24 hours.
- ▶ Staff have to give you a razor every day, if you want it, and you have the right to shave your face and body hair.
- ▶ Staff have to give you more than one blanket if you ask for it.

GRIEVANCES

A grievance is a form you can fill out whenever you have a problem, complaint, concern or question about any part of your life while locked up (like health problems, food, clothing, or how staff treat you, for example). You must always be given a way to turn in your forms secretly so that other staff don't know what you wrote.

- ▶ Once you file a grievance, you must receive a first response within 3 weekdays. But if your grievance is about your health or physical safety, staff must respond immediately.
- ▶ Staff must make a final decision about how to fix or respond to your issue within 10 weekdays. If more time is needed, staff must let you know.
- ▶ There is no time limit for when you can turn in a grievance form. For example, you can write about a problem that occurred 6 months ago or even longer.
- ▶ To make sure you feel safe about reporting sexual abuse or harassment, the facility must give multiple ways for you or a trusted person on the outside to share your concerns.

PROGRAMMING

- ▶ Every day, you must be allowed to participate in a scheduled non-school program or activity for at least one hour. These programs can be run by community organizations.
- ▶ Every day, you must be given at least one hour to do things on your own for entertainment like reading, writing or games.

VISITING

- ▶ You already had the right to visit with your parents or guardians. Now, you have the right to visit with your children too.
- ▶ You may also be allowed to visit with other family members or adult friends with permission from the head of the facility.
- ▶ Staff cannot stop people from visiting just because they have a criminal record. They can only stop people from visiting if their criminal record makes them a risk to your safety or the safety of the facility.

PROTECTIONS FOR LGBTQI YOUTH

- ▶ When staff are deciding where you will be housed, they have to consider anything about you that could affect your safety and well-being, including your gender and your gender identity.
- ▶ If you identify as lesbian, gay, bisexual, transgender, questioning or intersex, staff cannot automatically assume that you will hurt other people sexually.
- ▶ If you are transgender or intersex:
 - Staff have to use your chosen name and gender pronoun.
 - Staff have to let you dress and present yourself as your true gender, and they have to give you clothes and underwear that go with your true gender.
 - Staff have to ask you where you would like to be housed, and they cannot automatically put you in a unit based on your body parts.
 - You have the right to get medical care or counseling from people who are qualified to provide treatment and care for transgender or intersex youth.
 - Staff have to do everything possible to give you privacy and make sure you are safe when you are using the bathroom or shower, and dressing or undressing.
 - Staff cannot search you just to find out about your body parts.
 - If possible, staff have to let you decide whether a male or female staff person searches you.

HEALTH

- ▶ If you are pregnant, you must receive information about your choices to become a parent, choose adoption, or end your pregnancy.
 - If you decide to give birth, you must be given special medical care, counseling, and information about childbirth, breastfeeding and parenting. You must receive special medical care after delivery too.
- ▶ You have the right to ask for medical care confidentially, meaning no one else but the medical staff will know.
- ▶ No one can require you to translate private medical information for another youth who does not speak English.

EDUCATION

- ▶ You have the right to go to school as soon as you arrive. As soon as staff get your transcripts, someone needs to review your education plan and tell you how many credits you need to graduate high school.
- ▶ You have the right to take classes that are necessary to graduate from high school. You also have the right to take classes that will help you get jobs and go to college.
- ▶ You always have the right to get an education. It doesn't matter where you are inside the facility (like your living unit or room confinement). The only exception is when it would be dangerous to you or others.
 - Staff must give you any extra help or other support you need if you have a learning or physical disability, including support required in your IEP (Individualized Education Program) or 504 Plan. You have the same rights as a special education student as you have in a school in your community.
- ▶ Staff must keep track of any time you are absent or miss class for any reason.
- ▶ You cannot be suspended or expelled until staff have tried more positive ways to address your behavior and support you. If you are suspended or expelled, staff must write down any help they gave you.

FOOD

- ▶ Staff must give you a snack between 2 and 4 hours after dinner.

DISCHARGE

- ▶ Before you are released, the facility must make sure you will receive educational, medical, mental health and other supports when you get home. This rule does not apply if you are still waiting for trial.

This resource is not a complete list of your rights. You may request a complete list from the appropriate contact at your facility.

For more information, please contact Dominique D. Nong at: dnong@childrensdefense.org or (213) 355-8787.