

**SAN JOAQUIN COUNTY PROBATION DEPARTMENT
JUVENILE DETENTION POLICY AND PROCEDURE MANUAL**

TO: ALL STAFF

BULLETIN #: D-603

APPROVED BY: STEPHANIE L. JAMES
CHIEF PROBATION OFFICER

REPLACES: 6/11/2018

ISSUED: 4/2/2019

SUBJECT: YOUTH RIGHTS AND DUE PROCESS

POLICY

Juvenile Detention will ensure that all basic rights will be afforded to the youth in our care and custody.

PROCEDURES

A. Youth's Rights

1. Basic Rights

The youth shall not be deprived of his/her basic rights.

- a. Full nutrition
- b. Bed and bedding
- c. Daily shower, access to drinking fountain, toilet and personal hygiene items, and clean clothing
- d. Clean and sanitary living conditions
- e. Exercise (one hour large muscle)
- f. Education (school attendance)
- g. Medical services and counseling
- h. Mental health services and counseling
- i. Access to religious services
- j. Contact with parent/guardian or attorney (in person or by telephone)
- k. Sending and receiving mail
- l. Rehabilitative programming

2. Pregnant Youth

- a. Pregnant you shall have the right to summon and receive the services of a physician and surgeon of her choice in order to determine whether she is pregnant.

- b. If the youth is found to be pregnant, she is entitled to a determination of the extent of the medical services needed by her and to receipt of those services from the physician and surgeon of her choice.
- c. Expenses occasioned by the services of a physician and surgeon whose services are not provided by the facility shall be borne by the female.
- d. A youth who is known to be pregnant or in recovery from delivery shall not be restrained except as provided in Section 3407 of the Penal Code.
- e. Upon confirmation of a youth's pregnancy, she shall be advised orally, and in writing, of the policies and procedures governing pregnant youth in custody:
 - i. Detention Manual Bulletin #D-602, Juvenile Detention Force Options
 - ii. Detention Manual Bulletin #D-603, Youth Rights and Due Process
 - iii. Detention Manual Bulletin #D-902, Transportation
- f. Rights provided to pregnant youth shall be posted in the Visiting Room, Court Transportation, Intake, and the Housing Unit for female youth.

3. Denial of Rights – Applicable Conditions

Youth separated in their rooms shall not be denied basic rights except when necessary to protect the safety of themselves or others and/or the security of the facility. Under certain conditions clothing, bedding, or other items may be temporarily removed if the youth's use of clothing, bedding, or other items creates a safety issue for self or others.

- a. Safety issues may include:
 - i. Use of clothing, bedding, or other items for destruction of property
 - ii. Use of clothing, bedding, or other items to inflict injury to others
 - iii. Use of clothing, bedding, or other items to inflict self-injury
- b. If clothing is removed, appropriate alternative clothing (suicide smock) shall be provided.
- c. The removed items shall be returned as soon as practical when the youth's behavior improves. Returning the items to the youth should be coordinated with Behavioral Health Services staff when appropriate.
- d. If youth are denied basic rights, denial must be approved by the Duty Officer after consultation with Behavioral Health Services staff, when appropriate, and documented in an Incident Report in JJIS.
- e. Denial of basic rights must be reviewed hourly by the Duty Officer and documented in an Incident Report in JJIS.

- f. Continued denial of these rights after four hours must be reviewed and approved by the DCPO or Operations and/or the DCPO of Institutional Services.

B. Due Process

If a youth has a major rule violation, the youth has a right to Due Process. The need to conduct a Due Process Hearing shall not prevent staff from performing the necessary functions of maintaining order, safety, and security within the facility. Staff have the responsibility of immediately separating youth who jeopardize the safety of others or the security of the institution prior to a Due Process Hearing.

1. The youth shall be provided written notice of his/her violation prior to a Due Process Hearing. The JDUS shall complete the Due Process Notice (Attachment D) and present it to the youth.
2. Accommodations shall be provided to youth with disabilities, limited literacy, and English language learners.
3. The Due Process Hearing shall be conducted by a member of the Youth Advocacy Unit, or in his/her absence a Juvenile Detention Facility Supervisor or Juvenile Detention Unit Supervisor who is not a party to the incident.
4. In the absence of the Youth Advocate, the Juvenile Detention Facility Supervisor shall appoint a staff person, who is not a party to the incident, as the youth's representative during the hearing, if requested.
5. The Due Process Hearing shall be conducted as soon as possible, but no later than the end of the shift. The Due Process Hearing shall be conducted away from other youth to ensure confidentiality.
6. The youth shall have an opportunity to be heard, present evidence, and testimony.
7. The individual who conducted the hearing shall notify the youth of the findings upon completion of the Due Process Hearing. The results shall be documented on the Due Process Notice and via an Incident Report in JJIS.
8. The youth shall be entitled to an Administrative Review by the ADCPO of Operations or in his/her absence, ADCPO of Administrative Services or in his/her absence, the DCPO of Institutional Services, who may approve or reject the findings, or ask for further investigation on the issue.

C. Removal from Camp Peterson or Commitment Program

Violations that result in a removal from Camp Peterson or a commitment program, but not a return to court, will follow the due process requirements listed above.

Due Process Notice

Name of Youth J#

Date of Birth Shift

Housing Unit
On _____
Date/Time

Major Rule Violation/Removal from Camp Peterson/Commitment Program was initiated for the following behavior:

- 1. You have a right to review the incident report.
- 2. You have a right to a Rule Violation Hearing by a person who is not involved in this Incident.
- 3. You have a right to be heard and present evidence and testimony at that hearing.
- 4. You have a right to have a staff assist you in the hearing process.

The hearing has been scheduled for _____ at _____
 I will attend the hearing. I waive my right to attend the hearing.

Signature of Minor Staff

Date/Time

Result of Due Process Hearing:

Hearing Officer Date/Time

Administrative Review Requested: yes no

Result of Administrative Review:

DCPO/ADCPO Date/Time
White: Admin
Canary: Youth's Copy
Goldenrod: Youth's Intake File

Attachment A
D-603 Youth Rights and Due Process

Attachment A