


GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal # 22-6	Policy # 15.1
Applicability: <input type="checkbox"/> All DJJ Staff <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Community Services <input checked="" type="checkbox"/> Secure Facilities	Related Standards & References: O.C.G.A. §1-2-1; ACA Standards: 4-JCF-3A-02, 4-JCF-3A-03, 4-JCF-3A-04, 4-JCF-3A-05, 4-JCF-3A-06, 4-JCF-3A-07, 4-JCF-3A-09, 4-JCF-3A-17, 4-JCF-3B-01, 4-JCF-3B-02, 4-JCF-3B-03, 4-JCF-3B-05, 4-JCF-4C-05, 3-JDF-3D-03, 3-JDF-3D-02, 3-JDF-3D-04, 3-JDF-3D-04-1, 3-JDF-3D-06, 3-JDF-3D-07, 3-JDF-3D-08, 3-JDF-4A-07, 3-JDF-5A-14, 3-JDF-5B-01-1, 3-JDF-5G-12 DJJ 1.8, 3.80, 5.2, 5.5, 8.5, 14.7, 15.1, 15.2, 15.3, 15.5, 15.6, 15.7, 16.5, 17.2, 17.20, 18.2, 18.4, 23.1, 23.2	
Chapter 15: RIGHTS OF YOUTH	Effective Date: 8/10/2022 Scheduled Review Date: 8/10/2023	
Subject: BASIC RIGHTS AND RESPONSIBILITIES OF YOUTH	Replaces: 1/8/2020 (Certified: 1/25/22, 1/11/21) APPROVED:	
Attachments: A – Basic Treatment Standards B – Basic Responsibilities of Youth	 <hr/> Tyrone Oliver, Commissioner	

I. POLICY:

All youth in the custody of the Department of Juvenile Justice shall be afforded rights that are clearly defined, including the right to be free from harassment and unlawful discrimination. All youth in the custody of the Department of Juvenile Justice shall be given responsibilities that are clearly defined, including the responsibility to refrain from harassing and unlawfully discriminating behavior. All youth shall be informed of their rights and responsibilities upon entry into the facility or program. The basic rights of youth enumerated in this policy shall not be diminished or denied for disciplinary reasons. The Department also recognizes the rights of unborn children as defined in this policy.

II. DEFINITIONS:

Basic Treatment Standards: Just claims that are basic and necessary to the maintenance of a minimum quality of life, and thus are never diminished or denied for disciplinary or punitive reasons.

Bullying: Unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance. The behavior is repeated or has the potential to be repeated over time.

Director: For the purposes of this policy, the staff member responsible for the overall operation of a Regional Youth Detention Center (RYDC), Youth Development Campus (YDC), or a Community Services Office (CSO).

Harassment: Unwelcome, unlawful verbal, written, or physical conduct pertaining to an individual's race, color, religion, sex, gender, sexual orientation, national origin, age, disability, pregnancy, childbirth, or related medical conditions when that conduct:

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- Is sufficiently severe, persistent, or pervasive that it affects a youth's ability to participate in or benefit from the program or activity or creates an intimidating, hostile, threatening or abusive environment;
- Has the purpose or effect of substantially or unreasonably interfering with a youth's performance; or
- Adversely affects the youth's learning opportunities.

Examples of harassment include, but are not limited to: intimidation or threats of physical violence, physical acts of aggression or assault, demeaning comments, racial jokes or slurs, or other derogatory remarks, or written or visual displays (drawings, graffiti, etc.) expressing derogatory sentiments.

Unborn child: A member of the species *Homo sapiens* at any stage of development who is carried in the womb.

Unlawful Discrimination: A violation of a person's rights based upon the person's race, religion, color, sex, sexual orientation, age, national origin, disability, political views, pregnancy, childbirth or related medical conditions.

III. PROCEDURES:

- A. The Basic Treatment Standards (Attachment A) and Basic Responsibilities of Youth (Attachment B) will be posted in areas easily accessible to youth. This information will also be in the facility's student handbook. The rights of unborn children will be provided to pregnant youth.
- B. During intake/orientation, staff will ensure that youth are informed of how to report unfair treatment, harassment, unlawful discrimination, lack of medical or prenatal care, or bullying. All youth will receive information regarding the grievance process during orientation (see DJJ 15.2, Grievance Process) and in the facility's student handbook (see DJJ 17.2, Youth and Parent Orientation), which includes the right to appeal any decision of the Grievance Officer to the facility Director, Office of the Ombudsman, or to file a complaint directly with the Office of Legal Services.
- C. Staff will not participate in, encourage, or permit the unlawful discrimination, harassment or bullying of any youth by other youth or staff.
- D. Staff will ensure that youth are afforded all rights outlined in this policy. Staff will report when youth are not afforded their rights. Any violation of youth rights as described within this policy will be reported and processed in accordance with DJJ 8.5, Special Incident Reporting.

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- E. Staff who participate in or permit youth or staff to violate the rights of youth will be subject to disciplinary action up to and including termination. (See DJJ 3.80, Employee Progressive Discipline.)
- F. Youth, staff, and the general public may report any violation of a youth's rights to the Office of Legal Services in writing to 3408 Covington Highway, Decatur, Georgia, 30032.
- G. All youth (male or female) in secure facilities and residential programs will be treated in accordance with the following standards:
1. Male and female youth do not occupy the same sleeping room;
 2. To be free of unlawful discrimination, harassment, and bullying;
 3. To have access to medical (including prenatal) care;
 4. To send and receive mail (see DJJ 15.6, Access to Mail);
 5. To make and receive telephone calls (see DJJ 15.7, Access to Telephone);
 6. To receive visitors (see DJJ 15.5, Youth Visitation);
 7. To have access to court, attorneys, and other authorized legal representatives; (see DJJ 15.3, Youth Access to Court and Counsel);
 8. To be provided reasonable access to media in accordance with DJJ 1.8, Public Information;
 9. To have freedom in personal grooming and dress, except when it would conflict with facility requirements for safety, security, identification, or hygiene;
 10. To file a grievance (see DJJ 15.2, Grievance Process);
 11. To be treated respectfully, impartially and fairly and to be addressed by name in a dignified, conversational form;
 12. To be informed of the rules, procedures and schedules of the facility within 24 hours of admission (see DJJ 17.2, Youth and Parent Orientation);
 13. To be free from corporal punishment, physical abuse, assault, personal injury, or disease;
 14. To be free from interference with the normal bodily functions of eating, sleeping, or bathroom functions by any person;

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15. To be free from mental or verbal abuse, intimidation, threats, humiliation, or property damage;
 16. To be free from sexual abuse and sexual harassment (see DJJ 23.1, PREA, and DJJ 23.2, Sexual Assault);
 17. To practice his/her faith and to participate in religious services and religious counseling on a voluntary basis so long as the practice does not interfere with the safe and secure operation of the facilities (see DJJ 14.7, Religious Programming and Chaplaincy Services);
 18. To be informed in a timely manner of a verifiable death or critical illness of an immediate family member (see DJJ 14.7, Religious Programming and Chaplaincy Services). When possible, youth may be allowed off-site passes (see DJJ 17.20, Facility Passes);
 19. To vote (by absentee ballot) if 18 years of age or older and eligible (To register, the youth must contact the Registrar of Voters in the county where he/she resided before confinement.);
 20. To review his/her case record while in a facility or community residential placement (see DJJ 5.2, Case Records);
 21. To have freedom of expression, as long as it does not interfere with the rights of others or the safety and security of the facility/program;
 22. To have due process in disciplinary proceedings (see DJJ 16.5, Disciplinary Reports and Hearings);
 23. To have equal access to programs and services in facilities based on the youth's RYDC or YDC placement, programs or equivalent services among different facilities, regardless of a youth's sex or disability; and
 24. To maintain his/her physical, mental, and emotional health by exercising on a daily basis. (See DJJ 18.2, Recreation Programming.)
- H. Unborn children with a detectable heartbeat have the right to be counted in population-based determination and have the right to receive prenatal care.
- I. Staff in secure facilities will ensure the youth adhere to basic responsibilities (See Attachment B).

IV. LOCAL OPERATING PROCEDURES REQUIRED: NO