



OREGON YOUTH AUTHORITY

Policy Statement

Part II – Youth Services (Facilities)



Subject:

Youth Rights [Facility]

Section – Policy Number:

F: Justice – 1.0

Supersedes:

II-F-1.0 (10/11)
II-F-1.0 (11/07)
II-F-1.0 (05/04)

Effective Date:

12/30/2014

Date of Last Review:

12/23/2016

Related Standards and References:

- [ORS 419B.005 through 419B.050 \(Reporting of Child Abuse\)](#)
- [OAR Chapter 416, Division 150 \(Interviews with Offenders\)](#)
- [OAR Chapter 416, Division 440 \(Offender Mail\)](#)
- [OAR Chapter 416, Division 20 \(Offender Grievance Process\)](#)
- Performance-based Standards (PbS), *Juvenile Correction and Detention Facilities*; Programming; Justice
- American Correctional Association, *Standards for Juvenile Correctional Facilities*: 4-JCF-3A-01 (Access to Counsel and Courts); 4-JCF-3A-02 (Sexual Harassment); 4-JCF-3A-03 (Discrimination); 4-JCF-3A-04 (Equal Access); 4-JCF-3A-06 (Grievance Process); 4-JCF-3B-03 (No Cruelty)
- [Developmental Disabilities Abuse and Neglect](#)
- [OYA policy](#):
 - 0-2.3 (Mandatory Reporting of Youth Abuse and Child Abuse)
 - II-B-2.1 (Youth Accountability in OYA Facilities)
 - II-F-1.1 (Youth Grievance Process [Facility])
 - II-F-3.4 (Youth Use of Telephone)
 - II-F-3.7 (Religious Practice in Facilities [Youth])
 - II-F-3.6 (Youth Legal Assistance)
- [OYA forms](#): YA 1300 Youth Grievance Form
YA 1301 Youth Rights and Responsibilities
YA 1302 Parent/Guardian Rights & Responsibilities

Related Procedures:

- [FAC I-E-4.0](#) (Youth Incident Report – Facility)

Policy Owner:

Facility Services Assistant Director

Approved:


Fariborz Pakseresht, Director

I. PURPOSE:

This policy reminds staff of some basic rights youth have while in OYA facilities and required staff response to alleged violations of these rights.

II. POLICY DEFINITIONS: None.

Discrimination: Any act, policy or practice that penalizes or disadvantages youth or subjects them to harassment based on actual or perceived race, ethnicity, religious belief, national origin, gender, physical or mental disability, sexual orientation or gender identity.

LGBTQQI: People who have identified themselves or may be perceived as lesbian, gay, bisexual, transgender, queer, or questioning, or intersex.

Intersex: A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

III. POLICY:

OYA staff must treat youth equally, regardless of race, ethnicity, religious beliefs, national origin, gender, physical or mental disabilities, sexual orientation, gender identity, or intersex status (LGBTQQI). OYA provides youth programs and services necessary to promote their personal reformation and development while addressing their criminogenic needs and case plan goals. These services are designed to maintain a youth's physical and psychological wellbeing and are equally available to all youth.

Staff must notify a youth and the youth's parents/guardians of their rights and responsibilities upon the youth's commitment to OYA custody.

IV. GENERAL STANDARDS:

- A. Staff must be aware of youth rights including, but not limited to, the following:
1. Equal opportunities to participate in all relevant programs, free of discrimination;
 2. To not be placed in a particular housing, bed, or other assignment solely on the basis of race, ethnicity, religious beliefs, national origin, physical or mental disabilities, sexual orientation, gender identity, or intersex status (LGBTQQI);
 3. To be sanctioned for misconduct without degrading comments or bodily harm;
 - a) Staff must follow OYA policy II-B-2.1 (Youth Accountability in OYA Facilities) and the [OYA Behavior Refocus Options Matrix](#) when sanctioning youth for misconduct.
 - b) Sanctions that may adversely affect a youth's health, physical or psychological wellbeing, or deny a youth regular meals, sufficient sleep or exercise, medical care, correspondence privileges, religious services, or legal assistance are prohibited.

- c) Calisthenics or other physical demands will not be used as a sanction. To use such activities as a sanction or punishment is considered harassment and is prohibited.
 - (1) Any required physical act such as push-ups, sit-ups, running, lifting, or standing will only be allowed as part of organized, supervised physical education activity.
 - (2) Housekeeping and maintenance chores may be assigned as a sanction.
 4. To be treated kindly and respectfully, free from discrimination, abuse, and humiliation;
 5. To receive complete information about his/her progress in treatment in age-appropriate language;
 6. Opportunity for play, recreation and exercise;
 7. Opportunity for education;
 8. Adequate nutrition, sleep and medical care;
 9. To have information kept confidential except in areas that allow for those who need to know certain information as defined by law;
 10. To receive and send mail. Mail may be restricted if it is a threat or is detrimental to security, safety or order;
 11. Reasonable access to religious services and practices. No youth will be forced to participate;
 12. To not be exploited or required to make public statements of gratitude for the agency to the public; or be required to perform at public gatherings;
 13. Opportunity to contact his/her attorney, parent, guardian, and juvenile parole/probation officer;
 14. To file a grievance if he/she believes a right has been denied or violated. See OYA policy II-F-1.1 (Youth Grievance Process – [Facility]); and
 15. To call the OYA Hotline (1-800-315-5440) to report a violation or denial of rights. See OYA policy II-F-3.4 (Use of Telephone).
- B. Staff witnessing any form of violation or denial of rights described above must follow the process below:
1. Immediately ensure the youth's safety;
 2. Contact an immediate supervisor regarding the incident;

3. Prepare a Youth Incident Report (YIR) as described in OYA facility-wide procedure FAC I-E-1.0 (Youth Incident Report);
 4. Ensure medical attention is provided for any injury that occurred during the incident;
 5. Health Services staff must complete an examination of any injured youth and document the outcome in the related YIR; and
 6. The reporting staff's supervisor/manager must notify law enforcement or other staff according to OYA facilitywide procedure FAC I-E-1.0 (Youth Incident Report).
- C. OYA staff must follow OYA policy 0-2.3 (Mandatory Reporting of Youth Abuse and Child Abuse) when responding to incidents of suspected or actual abuse of youth under the age of 18.
- D. OYA staff must follow OYA policy I-A-10.0 (Preventing, Detecting, Responding to Youth Sexual Abuse and Harassment) when responding to incidents of suspected or actual sexual abuse or sexual harassment.
- E. In cases where youth violations or denials of rights involve youth who are 18 years of age or older and have developmental disabilities or mental illnesses, there may be further requirements for reporting abuse. Follow OYA policy 0-2.5 (Mandatory Reporting of Elderly and Persons with Disability Abuse).

V. LOCAL OPERATING PROTOCOL REQUIRED: NO