



INTERNAL MANAGEMENT POLICY & PROCEDURE	SECTION NUMBER 10-101	PAGE NUMBER 1 of 5
	CHAPTER & SUBJECT: PROGRAM AND SERVICES: Juvenile Rights	
Approved By:  Commissioner of the Juvenile Justice Authority		Original Dates Issued: 05/30/00; 05/31/00; 06/01/00; 06/16/01
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POLICY

The Juvenile Justice Authority (JJA), mindful of the worth and value of all juveniles, is committed to observing, upholding, and enforcing all laws relating to juvenile rights. All employees, contract personnel, and volunteers shall treat juveniles with dignity and respect, and shall comply with all laws relating to juvenile rights. (2-CO-3C-01)

Each superintendent shall ensure all juveniles' rights are respected and that all facility orders are consistent with the rights described in this policy. (3-JTS-3D-03)

DEFINITIONS

Mail: Any written communication (on or off facility grounds), package, magazine, newspaper, periodical or article either sent or received by any juvenile during his/her period of confinement at a juvenile correctional facility.

PROCEDURES

I. Juvenile Rights (2-CO-3C-01; 3-JTS-3D-03)

A. The rights of juveniles include:

1. Access to written rules of the facility program and the prescribed consequences of violations contained in facility orders and the Juvenile Rule Book. (3-JTS-3D-09)
2. Knowledge of and access to the grievance procedure without interference as defined in the Juvenile Rule Book and IMPP 11-122, Documentation of the Offender Grievance Procedure. (3-JTS-3D-09)
3. Opportunity to file and appeal complaints concerning conditions of confinement and actions of staff as set forth in the Juvenile Rule Book and IMPP 11-122, Documentation of the Offender Grievance Procedure.
4. Proper, safe and sanitary shelter, nutritious food, and security for oneself and in personal possessions. (2-CO-4C-01)

5. A safe, healthy, and rehabilitative environment free from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment. (3-JTS-3D-06)
 6. Freedom from unusual, hazardous and experimental research. (2-CO-1F-13, 2-CO-1F-14; 3-JTS-4C-45)
 7. Receipt of prompt, adequate, and unimpeded medical care. (2-CO-4E-01; 3-JTS-5D-02)
 8. Access to information about and ability to actively participate in the planning and implementation of his/her program plan. (2-CO-4F-01)
 9. Access to his/her case manager and counselors.
 10. Access to educational and vocational services. (2-CO-5B-01; 3-JTS-5D-02)
 11. Freedom from discrimination based on race, religion, national origin, sex, disability or political views in the making of administrative decisions and in providing access to programs. (2-CO-3C-01; 3-JTS-3D-03)
 12. Confidential contact and communication with his/her attorney, the courts, the superintendent, clergy, and the Commissioner. (2-CO-5E-01; 3-JTS-3D-02; 3-JTS-5D-02)
 13. Correspondence handled in accordance with facility orders and the Juvenile Rule book. (2-CO-5D-01; 3-JTS-5D-02)
 14. Daily showers and showers after strenuous exercise. (3-JTS-4B-13)
 15. Withholding of food shall not be used as a disciplinary measure.
- B. Certain privileges and/or rights may be restricted, limited, or delayed when properly justified and documented in the record, but only in relation to the juvenile's needs, the order and security of the facility and/or the safety of the public. Each employee is responsible for insuring the rights of juveniles are protected.

II. Academic and Vocational Education (2-CO-5B-01; 3-JTS-5D-02)

- A. All juveniles committed to the custody of the Commissioner and admitted to a juvenile correctional facility shall have access to academic and vocational education.
- B. Each facility superintendent shall develop a comprehensive program of academic and vocational education for juveniles. Education programs shall be designed to coordinate with other JJA programs and services, as well as programs and services available in the community.
- C. Special education programs shall be provided to juveniles who have special learning problems to assist them in meeting the completion requirements of academic and vocational programs.
- D. Education programs shall be continued for juveniles confined to segregation.

III. Program Participation

- A. All juveniles committed to the custody of the Commissioner and admitted to a juvenile correctional facility shall have access to information pertaining their program plans.
- B. Each facility superintendent shall develop a comprehensive plan for juveniles to actively participate in the planning and implementation of their individual program plan. Program plans shall be designed to incorporate educational programs, other JJA programs and services, as well as programs and services available in the community.

- C. Juveniles who have special learning problems shall receive assistance in meeting the requirements contained within their program plan.

IV. Telephone Usage (2-CO-5D-01; 3-JTS-5H-11)

- A. Juveniles shall have controlled access to telephones.
 - 1. Each facility shall maintain a telephone system for use by juveniles.
- B. Each juvenile shall prepare a list of persons to be on the juvenile's approved telephone list. Parent(s)/guardian(s), spouse, step-parent(s), siblings, step-siblings, grandparents and attorneys may be on the list. All other individuals shall need the approval of the juvenile's facility case manager to be on the approved telephone list. Facility staff shall verify all submitted numbers.
- C. The superintendent or designee may authorize juveniles to place or receive phone calls on the living unit telephone in emergencies.
- D. Phone access may only be restricted based on the juvenile's documented behavior. Denial of telephone access shall not be used as a disciplinary measure. Denial of telephone access due to safety and security concerns shall occur only upon written approval of the superintendent or designee.

V. Visitation (2-CO-5D-01; 3-JTS-5D-02; 3-JTS-5H-12)

- A. JJA recognizes the importance of juveniles being able to remain connected with their families through visitation.
- B. Consistent with K.A.R. 123-5-505, Visitation, and the procedures established therein, each facility shall establish facility orders pertaining to juvenile visitation. (3-JTS-5H-13)
 - 1. At a minimum, such facility orders shall address:
 - a. Hours of visitation;
 - b. The facility's schedule of visiting room/area operations; and,
 - c. Procedures for processing visitors, assigning space, and length of visiting periods.
 - 2. Each superintendent or designee shall take into consideration a visiting family's circumstances on a case-by-case basis prior to denying a family member visitation with the juvenile.
 - 3. Each juvenile correctional facility shall work with the family to resolve any external security risk.
 - 4. The superintendent or designee shall approve the justification for restricting the number of visitors or lengths of visits due to limited available space, personal constraints, or other substantial reason.
 - 5. The superintendent may establish, through facility orders, a restricted visitation schedule for specialized juvenile populations. (3-JTS-5H-15)
- C. In order to ensure that detailed information is available to juveniles for notification of their family and others regarding the visitation procedures at the respective juvenile correctional facilities, each superintendent or designee shall develop written information that includes, but is not limited to:
 - 1. The facility's location, including the facility's address, phone number, directions to the facility, and information about local transportation;
 - 2. Visitation program, including days and hours of visitation;

3. Additional information as may be useful to the juvenile's visitors; and,
 4. Special rules for siblings and children.
- C. Procedures shall be developed to ensure that the written information is provided to each juvenile within 24-hours of his/her arrival at the facility. It shall be the juvenile's responsibility to provide this information to persons from whom they wish to receive visits.
- D. Except when precluded due to a legitimate security risk, juvenile visitation shall take place in an informal environment that permits face-to-face communication. (3-JTS-5H-14)

VI. Mail (2-CO-5D-01; 3-JTS-5D-02; 3-JTS-5H-01; 3-JTS-5H-05)

- A. Consistent with K.A.R. 123-12-601, Mail, and the procedures established herein, each juvenile correctional facility shall establish facility orders pertaining to juvenile mail.
- B. When the juvenile bears the mailing cost, there is no limit on the number of letters the juvenile can send or receive. (2-JTS-5H-02) There shall be no restrictions placed on a juvenile's mail to any attorney or to appropriate government officials, except as provided in K.A.R. 123-12-601, Mail. (3-JTS-5H-04)
- C. Staff shall not hold or delay any juvenile's correspondence. A juvenile's incoming and outgoing mail shall not be held for over 24 hours for letters or 48 hours for authorized packages, excluding weekends and holidays. (3-JTS-5H-09) To facilitate the juvenile's right to correspond, mailboxes shall be provided in each living unit. Tutorial help shall be made available to the juvenile at his/her request to assist him/her with his/her communications.
- D. If a juvenile is absent from the facility, his/her incoming mail shall be held one week, then returned to the sender. After the juvenile has been released from the facility, his/her mail shall be forwarded to his/her new address for a period of no more than 30 days. (3-JTS-5H-10)
- E. Except for legal, privileged, and official mail, all incoming mail and authorized packages shall be inspected for contraband. (3-JTS-5H-07) Staff shall open all legal, privileged, and official mail and authorized packages in the presence of the juvenile to allow for inspection, recording, and return of articles not on the approved possession list. Unauthorized items shall be handled in accordance with K.A.R. 123-5-111, Disposition of Contraband.
- F. No juvenile shall receive unauthorized packages through the mail or hand-delivered to the facility. Unauthorized packages received in the mail shall be return unopened to the sender. Any unauthorized packages hand-delivered to a facility shall be refused and returned to the person delivering the package.
- G. Facility superintendents may regulate a juvenile's ability to purchase items through the mail. Any limitations shall be made in writing and communicated to all juveniles.
- H. Outgoing letters may be opened or inspected in accordance with K.A.R. 123-12-601, Mail, and facility orders.
- I. Outgoing packages shall be processed in accordance with facility orders.
- J. Outgoing mail shall bear the full name, living unit, and address of the sender and the name and address of the intended recipient. There shall be no other words, drawings, or messages placed on the outside of the envelope or package by a juvenile.
- K. Juveniles shall be held fully accountable for their communications.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and juveniles and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or juveniles, or an independent duty owed by the Juvenile Justice Authority to

employees, juveniles, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

K.A.R. 123-5-101, 123-5-505, 123-5-111, 123-12-601

ACA: 2-CO-1F-13; 2-CO-1F-14; 2-CO-3C-01; 2-CO-4C-01; 2-CO-4E-01; 2-CO-4F-01; 2-CO-5B-01; 2-CO-5D-01; 2-CO-5E-01

JTS: 3-JTS-4B-13; 3-JTS-4C-15; 3-JTS-4C-45; 3-JTS-3D-02; 3-JTS-3D-03; 3-JTS-3D-06; 3-JTS-3D-09; 3-JTS-4B-13; 3-JTS-5D-02; 3-JTS-5H-01; 3-JTS-5H-02; 3-JTS-5H-04; 3-JTS-5H-05; 3-JTS-5H-07; 3-JTS-5H-09; 3-JTS-5H-10; 3-JTS-5H-11; 3-JTS-5H-12; 3-JTS-5H-13; 3-JTS-5H-14; 3-JTS-5H-15

IMPP 11-101, 11-122

ATTACHMENTS

None.