

JUVENILE RIGHTS

UNDERSTANDING TEXAS ADMINISTRATIVE CODE – CHAPTER 343



Juvenile Justice Training Academy
JJO Basic Course
January 1, 2019



PERFORMANCE OBJECTIVES

- Distinguish between juvenile rights and privileges.
- Identify the protected rights juveniles have, as outlined in the Texas Administrative Code, while detained in a juvenile facility.
- Using knowledge obtained from this course, analyze scenarios to ensure juvenile rights are protected.

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WHAT'S THE DIFFERENCE?

| Right | Privilege |
|---|---|
|  |  |
| – liberties afforded to all individuals | – item not guaranteed, but earned |

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RIGHTS OF JUVENILES

| | |
|----------------------------|-------------------------|
| 1 st AMENDMENT | Freedom of speech |
| 4 th AMENDMENT | Right to privacy |
| 5 th AMENDMENT | Due process |
| 6 th AMENDMENT | Disciplinary hearings |
| 8 th AMENDMENT | No cruel punishment |
| 14 th AMENDMENT | Equal protection to all |

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DISCRIMINATION

Discrimination prohibited based on:

- Race
- National origin
- Sex
- Religion
- Sexual orientation
- Gender identity
- Disability

14th Amendment

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SUPERVISION

- Properly trained JSOs
- Mandatory ratios
- Gender specific provisions

8th | 14th Amendments

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ACCESS TO LEGAL COUNSEL

- Telephone calls
- Uncensored letters
- Personal visits

*1st | 5th | 6th | 14th
Amendments*



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WORKING IN A JUVENILE FACILITY



- Vocational training
- Community service restitution
- Routine housekeeping
 - Room cleaning
 - Sweeping housing units
 - Wiping down dining tables

*8th | 14th
Amendments*

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VISITATION



- Parent | Legal Guardian | Custodian
 - once every 7 calendar days
 - 30 minutes
- Visitation schedule provided
- Register maintained

*8th
Amendment*

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COMMUNICATION



Telephone Calls

- One 5-minute call every 7 calendar days
- Detailed documentation



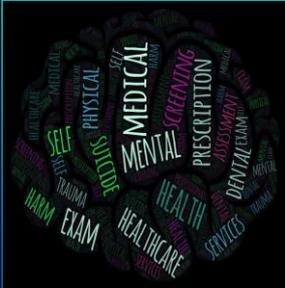
Mail

- Two letters every 7 calendar days
- Inspected for contraband
- Detailed documentation

1st | 4th Amendment

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MEDICAL | MENTAL HEALTHCARE



- Screenings | Assessments
- Medical services
- Mental health services
- Suicide prevention plan

8th | 14th Amendments

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BASIC NECESSITIES



HYGIENE PLAN

- Soap
- Shampoo
- Toothbrush
- Deodorant
- Brush | comb



BEDDING

- Mattress
- Mattress cover or fitted sheet
- Sheet
- Blanket
- Pillow with case

8th | 14th Amendments

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RELIGION



- Juveniles entitled to participate in religious services
- Exceptions – safety and security concerns
- May consume | avoid specific dietary items

1st Amendment

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JUVENILE GRIEVANCE PROCESS



- Provides formal process to address complaints about treatment
- Highlights ways to solve problems
- Promotes rehabilitation
- Provides information to administration
- Emphasizes whether some rules may be unfair

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ACTIVITY | GOT A GRIEVANCE?

Does this describe a violation of standards? Why?

After reviewing the situation, what step(s) may have been taken to avoid or resolve it?



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JSO DUTIES | GRIEVANCE PROCESS



- Remain firm | equitable | consistent
- Ensure grievances filed appropriately
- Never interfere with grievance process

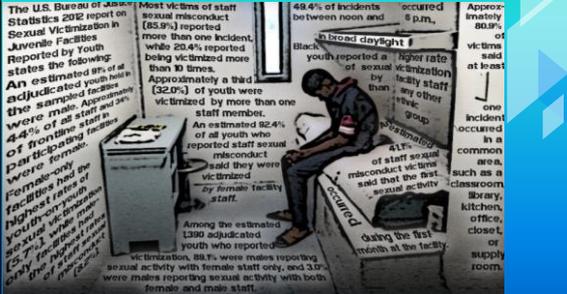
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PROHIBITED SANCTIONS

- Corporal punishment
- Humiliating punishment
- Allowing one juvenile to sanction another
- Group punishment for acts of individuals
- Deprivation | modifications of outlined rights
- Physical exercise used for compliance | intimidation | discipline
- Denial of rights as disciplinary sanctions

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ACTIVITY | WHAT VIOLATION?



The U.S. Bureau of Juvenile Statistics 2012 report on Sexual Victimization in Juvenile Facilities Reported by Youth

States the following:
 An estimated 81% of all of adjudicated youth held in the sampled facilities were male. Approximately 44% of all staff and 26% of front-line staff were female.

Female-only facilities had the highest rates of sexual victimization (25.7%), while the lowest rates were reported in mixed-gender facilities (10.2%).

Most victims of staff sexual misconduct (85.9%) reported more than one incident, while 20.4% reported being victimized more than 10 times. Approximately a third (32.0%) of youth were victimized by more than one staff member.

An estimated 92.4% of all youth who reported staff sexual misconduct said they were victimized by female facility staff.

Among the estimated 1,390 adjudicated youth who reported sexual activity with female staff only, and 3.0% were males reporting sexual activity with both female and male staff.

48.4% of incidents occurred between noon and 4 p.m., a broad daylight.

Black youth reported a higher rate of sexual victimization by facility staff than any other race.

Approximately 21% of staff sexual misconduct victims said that the first sexual activity occurred in a common area, such as a classroom, library, kitchen, office, closet, or supply room.

Approximately 80.9% of victims said at least one incident occurred in a common area, such as a classroom, library, kitchen, office, closet, or supply room.

During the first month at the facility, approximately 21% of staff sexual misconduct victims said that the first sexual activity occurred.

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FINAL THOUGHTS

- Juvenile rights are in place to keep juveniles safe from harm and must not be violated.
- Taking the time to become familiar with the Texas Administrative Code is critical in the role of a JSO.
- Juveniles may file a grievance at any time and staff must never interfere with the process.

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