

2090 BASIC RIGHTS FOR COMMITTED AND DETAINED YOUTH

Chapter: **Sununu Youth Services Center**

Section: **Resident Rights and Privileges**



New Hampshire Division for Children, Youth and Families Policy Manual


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Related Statute(s): [RSA 169-B](#), [RSA 621](#), and [RSA 621-A](#)

Related Admin Rule(s):

Related Federal Regulation(s): [28 CFR 35.164](#), and [P.L. 108-79 PREA Standards 115.316 \(a\), 316 \(b\), 316 \(c\), 342 \(f\), 373 \(a\), 373 \(b\), 373 \(c1\), 373 \(c2\), 373 \(c3\), 373 \(c4\), 373 \(d1\), 373 \(d2\), 373 \(e\), 373 \(f\)](#)

Related Form(s):

Bridges' Screen(s) and Attachment(s):

The SYSC protects the safety and basic rights of youth committed or detained and seeks a balance between expression of individual rights and preservation of facility order. Discrimination based on race, religion, national origin, sex, physical handicap, sexual orientation, gender identity, or for any other reason is prohibited. Further, the provisions of the Prison Rape Elimination Act of 2003 (PREA) provides specific rights to youth who report they are victims of sexual abuse while they are committed or detained at the SYSC.

Purpose

This policy identifies the basic safety and constitutional rights of youth committed or detained at the Sununu Youth Services Center (SYSC).

Definitions

"DCYF" or the **"Division"** means the DHHS Division for Children, Youth and Families.

"DHHS" or the **"Department"** means the New Hampshire Department of Health and Human Services.

"Intersex" means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

"PREA" means the standards enacted on August 20th, 2012 and enforced by the U.S. Department of Justice to eliminate prison rape pursuant to the Prison Rape Elimination Act of 2003.

"Transgender" means a person whose gender identity (*i.e.*, internal sense of feeling male or female) is different from the person's assigned sex at birth.

"SYSC" or the **"John H. Sununu Youth Services Center"** means the architecturally secure juvenile treatment facility administered by the DHHS Division for Children, Youth and Families.

Policy

I. Basic Rights: The SYSC ensures committed or detained youth have the following basic rights:

- A. All youth can expect the highest degree of confidentiality with regard to personal information and records;
- B. All youth will be housed in a healthy and respectful environment, and in a manner that provides for safety and security according to applicable PREA standards;
- C. All youth have the right to be free from abuse or neglect;
- D. All youth will be provided with routine and emergency medical, dental, and mental health care;
- E. All youth will be provided with articles and opportunities necessary for maintaining proper personal hygiene;
- F. All youth will be offered nutritious daily meals and snacks;
- G. In accordance with program policies, all youth will have reasonable access to family or guardians through mail, telephone, and visits;
- H. All youth will be provided an opportunity to participate in spiritual services and study if they so choose;
- I. All youth will be provided educational and vocational opportunities and services;
- J. All youth will participate in daily exercise and recreational or leisure time activities;
- K. All youth may seek legal assistance and have reasonable access to counsel and the courts through telephone communications, uncensored correspondence, and visits;
- L. All youth can expect due process for alleged rules infractions at the SYSC, including impartial disciplinary hearings, or alternatives in the development of logical consequences based on a youth's individual needs, if the infractions were found or admitted to have occurred;
- M. All youth will have the opportunity to appeal any disciplinary hearing results pursuant to [Policy 2100 "Rules and Discipline."](#) The appeal request is offered immediately after the hearing is processed and completed.
- N. All youth will be treated with dignity and respect in an environment free of discrimination of any kind;
- O. All youth will have equal access to programs and services for males and females. Staff are trained in gender specific needs during initial and refresher trainings;
- P. All youth will have reasonable access to the public through publications and communications media, planned community programming, and planned administrative release and furloughs, subject to the limitations necessary to maintain safety, security, and to protect rights;
- Q. All youth will be protected from personal abuse, sexual abuse/assault/misconduct, corporal punishment, personal injury, disease, property damage, and all forms of harassment. The SYSC has established zero tolerance for all forms of sexual abuse/assault/misconduct;

- R. All youth will be allowed reasonable freedom in personal grooming subject to the limitations necessary to maintain safety, security, and to protect rights; and
 - S. A transgender or intersex youth's own views with respect to their own safety shall be given serious consideration (115.342 (f)) for all phases of treatment and programming at the SYSC.
- II. Items Permitted in Youth Rooms:
- A. Two (2) blankets, one (1) top sheet, one (1) fitted sheet, and one (1) pillow;
 - B. Up to three (3) books/magazines either from home, unit, and/or library. Any extra items shall be sent home during visits or given to the youth's assigned Youth Counselor (YC);
 - C. One (1) Bible or religious book and up to three (3) religious pamphlets;
 - D. Treatment book assigned by Treatment Team and any papers to go with the youth's weekly treatment work;
 - E. Up to ten (10) letters kept neatly in a desk cubby, ten (10) plain envelopes, and one (1) book of stamps;
 - F. One (1) pad of paper (No spiral bound items);
 - G. Schoolwork and any item given by the School Department;
 - H. One (1) pair each of Flip Flops, t-shirt, underwear, shorts, and socks;
 - I. Five (5) personal family pictures to be kept on the desk or windowsill;
 - J. One (1) deck of playing cards;
 - K. Art projects are not permitted in rooms per Resident Rules; and
 - L. The youth's Treatment Team shall determine any exceptions to the items approved.
- III. Items PROHIBITED in Youth Rooms:
- A. Cups;
 - B. Bottles;
 - C. Plants or any other types of vegetation;
 - D. Combs, picks, or any other type of hygiene products;
 - E. Food; and
 - F. Any other item that is not listed in II above, unless it has been approved and documented by the Unit Team, Treatment Team, or Medical Team. The SYSC Director or designee shall mediate a resolution for any disagreement among these teams.

IV. Resolution of Concerns or Problems:

- A. The SYSC advocates for informal resolution, when possible, for committed or detained youth experiencing non-safety related concerns or problems.
 - 1. Youth are encouraged to advocate for themselves or enlist the support of their assigned Youth Counselor, Treatment Coordinator, Clinician, or other staff to resolve matters that might arise.
 - 2. If it seems impracticable or not possible, the SYSC Director or designee or SYSC Ombudsman may be contacted to help resolve concerns or problems.
 - 3. Youth may document any concerns or problems on appropriate forms available in the residential areas and in the SYSC School.
 - 4. Youth may access the services of a victim advocate when filing grievance or complaint prior to the initiation of an investigation.
- B. This provision is not intended to prohibit youth from bringing immediate safety concerns to staff at any time.

V. Additional Youth Rights Provided by the Prison Rape Elimination Act of 2003 (PREA):

- A. Youth with disabilities and youth who are limited English proficient.
 - 1. Youth with disabilities (including, for example, youth who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), shall have an equal opportunity to participate in, or benefit from, all aspects of the SYSC programming including efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
 - (a) Such steps shall include, when necessary to ensure effective communication with youth who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
 - (b) The SYSC shall ensure that written materials are provided in formats or through methods that ensure effective communication with youth with disabilities, including youth who have intellectual disabilities, limited reading skills, or who are blind or have low vision.
 - (c) The SYSC is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164 (115.316 (a)).
 - 2. The SYSC shall ensure meaningful access to all aspects of the SYSC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to youth who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary (115.316 (b)).

3. The SYSC shall not rely on youth interpreters, youth readers, or other types of youth assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise a youth's safety, the performance of first-responder duties as described in [Policy 2055 "Sexual Abuse and Sexual Harassment,"](#) or the investigation of a youth's allegations (115.316(c)).
 - (a) Youth-to-youth interpreters shall not be used for sexual assault or sexual harassment investigations. The SYSC Director or designee shall ensure Language Bank Services are accessible in these circumstances.
- B. Reporting specific information to youth: Where applicable, the SYSC shall use provisions of New Hampshire law RSA 169-B:34, and applicable PREA standards, to allow youth who allege they are a victim of sexual abuse that occurred at the SYSC, or the victim's family, to receive specific information about an alleged perpetrator who is prosecuted for the offense.
1. Following an investigation into a youth's allegation of sexual abuse at the SYSC, the SYSC Internal Investigator, with support from the youth's Treatment Team as applicable, shall inform the youth as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded (115.373 (a)).
 2. If the SYSC did not conduct the investigation, the SYSC Internal Investigator shall request the relevant information from the investigative agency in order to inform the youth (115.373 (b)).
 3. Following a youth's allegation that a staff has committed sexual abuse against the youth, the SYSC Internal Investigator, with support from the youth's Treatment Team as applicable, shall subsequently inform the youth (unless it has been determined that the allegation is unfounded) whenever:
 - (a) The staff member is no longer posted within the youth's unit (115.373 (c1));
 - (b) The staff member is no longer employed at the SYSC (115.373 (c2));
 - (c) The SYSC learns that the staff has been indicted on a charge related to sexual abuse within the SYSC (115.373 (c3)); or
 - (d) The SYSC learns that the staff has been convicted on a charge related to sexual abuse within the SYSC (115.373 (c4)).
 4. Following a youth's allegation that he or she has been sexually abused by another youth, the SYSC Internal Investigator, with support from the youth's Treatment Team as applicable, shall subsequently inform the alleged victim whenever:
 - (a) The SYSC learns that the alleged abuser has been indicted on a charge related to sexual abuse within the SYSC (115.373 (d1)); or
 - (b) The SYSC learns that the alleged abuser has been convicted on a charge related to sexual abuse within the SYSC (115.373 (d2)).
 5. All such notifications or attempted notifications shall be documented (115.373 (e)).

6. The SYSC's obligation to report on the investigation outcome as described above shall terminate when the youth is released from SYSC custody (115.373 (f)).