

ATTORNEY CONTACT WITH INCARCERATED YOUTH

- AUTHORITY:** California Code of Regulations, Title 15, Section 1377 Administrative Directive Orange County Superior Court Order dated 08/19/040
- RESCINDS:** Procedure Manual Item 3-1-025, dated 09/11/15
- FORMS:** Special Visiting Pass (F057-6209B-1)
Request for Contact (F057-6231)
Attorney Visitation Request (F057-6006)
- PURPOSE:** To establish a standard procedure regarding the authorization of attorney-youth contacts.

I. GENERAL INFORMATION

- A. While in custody in any Probation facility, youth will not be denied **confidential** access to licensed attorneys or their authorized representatives (i.e., interviewers, investigators, paralegal assistants) provided the attorney or his representative certifies that he/**she** does not represent any other interest civilly or criminally that would be in conflict with the interests of the youth.
- B. In general, attorneys may visit with one youth at a time due to space limitation and security considerations.
- C. The attorney must provide appropriate identification (i.e., State Bar number). Representatives should provide a letter of authorization from the attorney with a State Bar number.
- D. Circumstances where an attorney will not be allowed to visit shall include:
1. The youth refuses to see an **attorney**.
 2. The attorney is under the influence of alcohol/drugs.
 3. If the request comes before 8:00 a.m. and after 9:00 p.m. (sleeping hours), or 11:05 **a.m.** to 12:45 p.m. and 4:25 **p.m.** to 5:45 p.m. (meal times, except with administrative/**SJCO** approval).
- E. The attorney or his/her agent may photograph his/her client with the youth's consent pursuant to facility regulations. All such requests will be referred to the Director or **their** designee.
- F. Youth will be allowed to send and receive mail to and from attorneys, which will be uncensored and unread by staff. The mail may be opened and inspected for contraband only in the presence of the youth.
- G. In addition to the telephone calls authorized by law upon intake, each youth will be allowed telephone calls to an attorney at reasonable times (via the collect only or

County business phone). These calls will be unmonitored by staff. If a youth is unable to complete a telephone call, he will be allowed an opportunity to leave a message, submit a "Request for Contact" form if represented by the public defender, or to write a letter to counsel.

- H. Youth will be permitted to speak by telephone to or visit with their attorneys regardless of their room confinement status, unless there is imminent danger to the safety of themselves or others.

II. PROCEDURE

A. Visits

1. Reception staff will verify the attorney's identification.
2. Youth will not be searched after visits with attorneys/representatives without cause. A Supervising Juvenile Correctional Officer/Duty Officer may authorize a search after evaluating the circumstances giving rise to cause. A Special Incident Report must be written to document justification for the search and findings, **as well as documented in the Integrated Case Management System (ICMS) Logbook.**
3. **There is no absolute time limit to an attorney visit other than the permitted hours mentioned above. An attorney may need to visit after hours with a client to represent them if they are going to be interrogated for a delinquent act and are 15 years old or under.**

B. Telephone Calls

1. Facility staff will allow the youth the opportunity to complete unmonitored calls at reasonable times that do not interfere with the essential activities of the program (i.e., meals, school, work, counseling, hygiene, or bedtime).
2. **Staff are to dial** the number as provided by the youth if using the County phone. After the line is answered, request the attorney to allow the youth to complete the call or leave a message.
3. Limit the call to a reasonable length of time so as to not adversely affect the operation of the unit.
4. Record the call or attempted call in the log book if the business phone is used.

C. Mail

See Procedure Manual Item #3-1-024 (Youths' Mail).

REFERENCES:

Procedures:	3-1-022	Youth's Rights
	3-1-024	Youth's Mail
	3-1-054	Personal Searches and Control of Contraband

3-2-001	Youths' Use of County Business Telephones
3-2-025	Visiting-Juvenile Hall
3-3-021	Visiting-Youth Guidance Center
3-8-021	Visiting Youth Leadership Academy

Policies:

A-1	Policy, Procedure and the Law
F-4	Visits with Minors Juvenile Institutions, Placements

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APPROVED BY: