

ATTORNEY CONTACT WITH INCARCERATED YOUTH

- AUTHORITY:** California Code of Regulations, Title 15, Section 1377
Administrative Directive
Orange County Superior Court Order dated 08/19/04
- RESCINDS:** Procedure Manual Item 3-1-025, dated 12/11/20 (RENUMBERED)
- 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. Upon admission to the facility, youth will be advised of their right to have contact with their attorney.
- B. 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 their representative certifies they do not represent any other interest civilly or criminally that would be in conflict with the interests of the youth.
- C. Youth will be allowed to consult confidentially with their attorney or authorized representative.
- D. Youth may correspond with their attorney or authorized representative by mail with unlimited free postage and cost-free telephone access as appropriate.

II. PROCEDURE

- A. Visits
 - 1. Reception staff will verify the attorney's identification. **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.**
 - 2. **Visits will be conducted unmonitored**
 - 3. There is no time limit to an attorney visit. 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.
 - 4. Circumstances, where an attorney will not be allowed to visit, shall include:

- a. The youth refuses to see an attorney.
 - b. The attorney is under the influence of alcohol/drugs.
 - c. The attorney is not dressed appropriately.
 - d. If the request comes before 8:00 AM and after 9:00 PM (sleeping hours), or 11:05 AM to 12:45 PM and 4:25 PM to 5:45 PM (mealtimes, except with administrative/SJCO approval).
5. The attorney or their agent may photograph their client with the youth's consent pursuant to facility regulations. All such requests will be referred to the Director or their designee.

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 provided by the youth. 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 to not adversely affect the **units operation**.
4. Log the call or attempted call in **ICMS** if the business phone is used.

C. Mail

1. There is no absolute limit to attorney correspondence.
2. All mail between the youth and their attorney is confidential and shall not be searched or read by staff without probable cause and administrative approval.
 - a. Privileged/confidential mail is defined as letters to and from a Local State or Federal court, an attorney, any member of the State Bar or holder of public office, officials of the confining and releasing authority, Clergy, or Deputy Probation Officer(s).

- D. 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.

REFERENCES:

Procedures:	3-5-004	Youth's Rights/Orientation
	3-7-002	Personal Searches and Control of Contraband
	3-8-012	Visiting/Video Conferencing
	3-9-001	Youth's Mail

	3-9-003	Use of Telephones
Policies:	A-1	Policy, Procedure and the Law
	F-4	Visits with Minors Juvenile Institutions, Placements

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APPROVED BY: