

ATTORNEY CONTACT WITH INCARCERATED YOUTH

- AUTHORITY:** California Code of Regulations, Title 15, Section 1377
Administrative Directive
- RESCINDS:** Procedure Manual Item **3-9-005**, dated **08/18/23**
- FORMS:** Special Visiting Pass (F057-6209B.5)
Request for Contact (F057-6231.1)
Attorney Visitation Request (F057-6006.2)
- 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 **at** any Probation **juvenile** 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 7:00 AM and after 9:00 PM (sleeping hours), or 11:45 AM to 12:45 PM and 4:25 PM to 5:45 PM (mealtimes, except with administrative/SPCO approval).
5. The attorney or their **authorized representative** 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.
 6. **With the approval from the Duty Officer or designee, attorneys or their authorized representative may be authorized to use electronic devices to conduct business with their client. A youth shall never have direct access/control of any electronic device brought in by an outside agency. Inappropriate use includes allowing the youth to use the device to communicate with others, check their social media accounts, or take pictures of the youth, staff, or the facility without the DO's approval. If inappropriate use occurs and is observed, a staff member shall terminate the interview, notify the Duty Officer or supervisor, document the incident in a Special Incident Report, and notify the administration as soon as possible. Please note that an individual who inappropriately permits a youth to use an electronic device, violating this policy, shall be prohibited from future use of electronic devices in any of the department's juvenile facilities.**

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 unit's operation.
4. Log the call or attempted call in the **Integrated Case Management System (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	Youth's Use of Telephones in Facilities
Policies:	A-1	Policy, Procedure and the Law
	F-4	Visits with Minors in Juvenile Institutions, Placements

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APPROVED BY: