



DIVISION OF JUVENILE JUSTICE

Confidential Youth Visitation

Youth Rights

Manual	Section #	Replace(s)
<input type="checkbox"/> Administrative (YAM)		
<input type="checkbox"/> Education Services (ES)		
<input checked="" type="checkbox"/> Institutions and Camps (I&C)	5765	5765
<input type="checkbox"/> Parole Services (PS)		
<input type="checkbox"/> Special Education (SE)		

Signature/Approval Date

Original Signed By:

4/15/10

BERNARD E. WARNER
Chief Deputy Secretary

Approval Date

Policy Statement

This policy establishes the process for an authorized party scheduling a confidential visit with a youth within the Division of Juvenile Justice (DJJ).

Scope

Applicable to each DJJ youth and employee, as well as an authorized party.

Goal(s)

The goal of this DJJ Confidential Youth Visitation policy is to ensure a standardized process for youth to have confidential visit with authorized parties.

Authority

- Welfare and Institutions Code, Sections 224.70 and 1712
- Rule of Court, Section 5.663

Related Standards/ References

Information Practices Policy, I&C Manual, Section 5720

Related Remedial Plan or Court Order

Farrell Lawsuit

- Education Services
- Health Care Services
- Mental Health
- Safety and Welfare
- Sexual Behavior Treatment Program
- Wards with Disabilities Program

Other Lawsuits & Court Orders

- L.H. Lawsuit
- Other: _____

Requirements

- | | | |
|--|---|--|
| This policy has a training requirement: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| This policy has an audit requirement: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| This policy has restricted distribution: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| This policy requires annual review: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| This policy requires a local procedure: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Revision Date(s)

01/30/08

Effective Date

06/01/10



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DEFINITION(S)

Advocates – Includes organizations who advocate on behalf of juveniles; including but not limited to, Books Not Bars, Youth Justice Institute, Center for Juvenile and Criminal Justice, and The Mentoring Center. Indications that a group is an advocacy organization include but are not limited to non-profit status. The Parole Agent (PA) III at Division of Juvenile Facilities (DJF) headquarters shall keep a list of approved organizations.

Authorized Party – Includes Legal Counsel or an authorized representative, CDCR Ombudspersons and other advocates, holders of public office, court personnel, and legal service organizations.

Authorized Representative – A representative who is designated to act on behalf of Legal Counsel or a Legal Services Organization. An authorized representative must be one (1) of the following:

- A private investigator licensed by any state and sponsored by Legal Counsel or a Legal Services Organization
- An investigator who is employed by Legal Counsel or a Legal Services Organization
- A law student sponsored by Legal Counsel or a Legal Services Organization
- A legal para-professional sponsored by Legal Counsel or a Legal Services Organization
- An employee of a Legal Counsel, a legitimate legal service organization, or a licensed private investigator who is sponsored by Legal Counsel or a Legal Services Organization
- Any person contracted by Legal Counsel or a Legal Services Organization and with express written permission

Court Personnel – All State and Federal judges and personnel employed by the courts.

Holders of Public Office – All State and Federal elected officials.

Legal Counsel – (a) An attorney appointed, retained, or statutorily mandated to act as Legal Counsel for a youth. (b) An attorney who is in possession of a valid court order to access one (1) or more youth. (c) An attorney the youth consents to see, including an attorney requested by the parents of the youth.

Legal Service Organization – Includes but are not limited to groups such as the American Civil Liberties Union, Prison Law Office, Youth Law Center, Disability Rights California, or organizations in the Legal Services Trust Fund Program of the State Bar of California.

PROCEDURES

1.0 General Policy Statement

- 1.1. A youth has the right to confidential visits with an authorized party.

2.0 Adherence to Security Protocols

- 2.1. An authorized party shall adhere to the security protocols established at each Youth Correctional Facility.



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3.0 Visitation Schedule

- 3.1. A youth visit with an authorized party shall not be scheduled on weekends, or State holidays except by the mutual agreement of the Parole Agent (PA) III and the requesting authorized party.

4.0 Confidential Space

- 4.1. Unless otherwise requested by an authorized party, a visit with a youth shall occur in a confidential setting.
- 4.2. At least one (1) confidential room shall be made available at every facility on a scheduled basis, Monday through Friday, from 8 a.m. - 5 p.m., except for State holidays
- 4.3. A DJJ employee shall not be present in the room when a confidential space is being used.
- 4.4. If no confidential space is available, an authorized party may elect to proceed with the visit in a non-confidential area. When an authorized party elects to visit a youth in a non-confidential area, an employee shall not be in the immediate area of the conversation or otherwise in hearing range of the conversation.
- 4.5. Any such Division of Juvenile Justice (DJJ) staff is strictly forbidden from sharing any information he or she may have inadvertently heard or seen from the attorney-client meeting except for new crimes or new parole violations that occur during the course of the observation. The presence of DJJ staff near an in-person or telephonic attorney client meeting does not waive the attorney-client privilege.

5.0 Emergency Request for a Visit

- 5.1. An authorized party can make a request for an emergency visit by providing a general description of the emergency. For Legal Counsel or their authorized representative, the general description need not include information protected by the attorney-client or work product privileges. This request must be made in writing on organization letterhead, and should indicate that the request is for an "Emergency Visit". The request can be faxed or e-mailed.

6.0 Use of Restraints

- 6.1. A youth visit with an authorized party shall be conducted in the least restrictive manner possible.
- 6.2. A youth shall not be placed in restraints during a visit with an authorized party, unless there is a documented security reason such as recent:
 - 6.2.1. Employee assault.
 - 6.2.2. Non-compliance related to mechanical restraints.
 - 6.2.3. Refusing to follow staff instructions to leave a secure area.
- 6.3. When a youth is placed in restraints, martin chains shall be utilized so the youth can sign documents. Pregnant youth should not be shackled in a "belly belt" around the waist or in leg restraints.



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- 6.4. When a youth is placed in restraints, the reason for such restraint shall be documented in writing in the case note section of Ward Information Network (WIN).
- 6.5. Any restraint of youth in violation of these provisions shall be reported to the PA III of the facility or their designee.

7.0 File Review

- 7.1. Before or after a visit, an authorized party may review a youth file in accordance with applicable DJJ policy. File material shall not be made available during an interview.

8.0 Employee Interviews

- 8.1. Two (2) business days prior to a scheduled visit, Legal Counsel or their authorized representative may request interviews with facility staff, including a youth's Living Unit Case Manager.
- 8.2. For requests involving pending or anticipated litigation, facility staff shall be made available, as long as it will not be detrimental to facility operations.
- 8.3. Staff may decline an interview request in the absence of a valid subpoena or Court Order.

9.0 Confidential Youth Visitation Procedures

9.1. Authorized Party

- 9.1.1. Writes, faxes, or e-mails the Facility PA III or designee on organization letterhead a list of:
 - a. Each youth to be visited.
 - b. Any file that is to be reviewed.
 - c. The proposed date and length of each visit.
 - d. The names of any additional visitor.
- 9.1.2. If the PA III or designee does not respond within two (2) business days of the request, calls the Superintendent to arrange the visit.

9.2. Facility Parole Agent III (PA III) or Designee

- 9.2.1. Within two (2) business days of receipt of a request for a scheduled visit, confirms in writing via fax, e-mail, or telephonically, whether a confidential space is available.
- 9.2.2. Checks the California State Bar website to confirm the attorney(s) status or the authorized party.
- 9.2.3. If there are any concerns, contacts the Litigation Coordinator at Headquarters. Attorneys or an authorized party are not subject to California Law Enforcement Tracking System (CLETS) or Live scan.



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TRAINING

Employee

1. Each new sworn employee shall receive training on this DJJ Confidential Youth Visitation policy during Employee Orientation.
2. Each current employee shall receive notification on implementation of this DJJ Confidential Youth Visitation policy.

Youth

1. A youth shall receive training on this DJJ Confidential Youth Visitation policy during Youth Orientation.
2. A youth shall receive notification on implementation of this DJJ Confidential Youth Visitation policy.

QUALITY ASSURANCE

Parole Agent III (PA III) or Designee

1. Ensures that prior to a visit, an authorized party writes, faxes, or e-mails a list of:
 - Each youth to be visited.
 - Any file that is to be reviewed.
 - The proposed date and length of each visit.
 - The names of any additional visitor.
2. Ensures that youth visits with an authorized party occur in a confidential setting.
3. Ensures that an authorized party is informed by e-mail or telephone contact when any youth has refused a visit if the youth refuses prior to the authorized party arriving.

FORM(S)

N/A