



DIVISION OF JUVENILE JUSTICE

Confidential Telephone Access to Youth

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)	5775	5775
<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 requesting a telephone call to a youth in a confidential setting 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 Telephone Access to Youth policy is to ensure a standardized process for authorized parties to have confidential telephone access to youth.

Authority

- Welfare and Institutions Code, Sections 224.70 and 1712
- California Code of Regulations, Title 15, Division 4, Section 4699
- Rule of Court, Section 5.663

Related Standards/ References

- Telephone Calls Policy, I&C Manual, Section 5135

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

Confidential Setting – An area where a youth can communicate with an authorized party where employees or other youth cannot overhear the conversation.

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.



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PROCEDURES

1.0 General Policy Statement

- 1.1. A youth has the right to a confidential telephone contact from an authorized party.
- 1.2. A youth shall be provided with an opportunity to receive a telephone call from an authorized party in a confidential setting.
- 1.3. The Parole Agent (PA) III or designee shall be responsible for facilitating a telephone call between an authorized party and a youth.
- 1.4. On the rare occasion that a Division of Juvenile Justice (DJJ) staff person must observe a youth on the telephone with his or her attorney, the DJJ staff person 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.

2.0 Scheduling

- 2.1. An authorized party is encouraged to establish a wide timeframe in which to receive a telephone call from a youth. The timeframe for the telephone call should respect the normal school day, workday, or any treatment groups scheduled for a youth.
- 2.2. An employee shall avoid scheduling a telephone call at times that conflict with scheduled counts, other security operations or treatment activities.
- 2.3. Ordinarily, a telephone call shall be completed within one (1) business day of a request.

3.0 Affirmed Emergencies

- 3.1. Immediate telephone contact shall be reserved for situations in which an authorized party affirms an emergency exists such as in situations in which a response to a specific need cannot wait for prior authorization in writing.

4.0 Youth Refusal of Telephone Contact

- 4.1. A youth has a right to refuse a telephone call from an authorized party.
- 4.2. The PA III or Superintendent shall inform an authorized party by e-mail or telephone contact that a youth has refused a telephone call.



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5.0 Confidential Telephone Access To Youth Procedures

5.1. Routine Telephone Contact

5.1.1. Authorized Party

- 5.1.1.1. Submits a written, faxed, or e-mailed request to contact a youth by telephone to the PA III at the Youth Correctional Facility where a youth is housed.
- 5.1.1.2. When requesting a telephone call be permitted, indicates an available date, telephone number, and timeframe for receiving a telephone call from a youth.

5.1.2. Parole Agent III (PA III) or Designee

- 5.1.2.1. Within one (1) business day or by the end of the next business day of a request, confirms the date and time designated for the telephone contact with an authorized party.
- 5.1.2.2. Ensures a youth is provided an opportunity to complete a telephone call as requested by an authorized party.
- 5.1.2.3. Informs the Living Unit employees of the approval for an authorized party to contact a youth by telephone.

5.1.3. Living Unit Employee

- 5.1.3.1. Dials to verify the name and phone number of an authorized party and gives the youth an opportunity to leave a message with the authorized party, if the authorized party is not available at the scheduled time.
- 5.1.3.2. Ensures that any approved telephone contacts scheduled between an authorized party occurs in a confidential setting.
- 5.1.3.3. Once completed, documents the telephone call between a youth and an authorized party on DJJ 8.491, Youth Phone Log contained in Ward Information Network (WIN) Documentation of unsuccessful attempts shall be completed as well.

5.1.4. Authorized Party

- 5.1.4.1. If the PA III or designee does not respond within one (1) business day of the request, calls the Superintendent to schedule the telephone call.

5.2. Immediate Telephone Contact in an Emergency Situation

5.2.1. Authorized Party

- 5.2.1.1. Contacts the PA III by telephone to secure assistance in arranging immediate telephone contact with a youth.
- 5.2.1.2. If necessary, makes a request for an emergency telephone call by providing a general description of the emergency.
- 5.2.1.3. **NOTE:** For Legal Counsel or their authorized representative, the general description need not include information protected by the attorney-client or work product privileges.

TRAINING

Employee

1. Each new sworn employee shall receive training on this DJJ Confidential Telephone Access to Youth policy during Employee Orientation.
2. Each current employee shall receive notice on implementation of this DJJ Confidential Telephone Access to Youth policy.



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

QUALITY ASSURANCE

Superintendent

1. Ensures that the PA III or designee informs an authorized party by e-mail or telephone contact when a youth has refused a telephone call.

Parole Agent (PA) III or Designee

1. Ensures that any approved telephone contacts scheduled between an authorized party and a youth occur in a confidential setting.
2. Ensures that an authorized party is informed by e-mail or telephone contact when any youth has refused a telephone call.

FORM(S)

1. DJJ 8.491, Youth Phone Log