



DIVISION OF JUVENILE JUSTICE

Youth Request for Confidential Telephone Calls

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)	5780	5780
<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 a youth requesting a telephone call to an authorized party 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 Youth Request for Confidential Telephone Calls policy is to ensure a standardized process for youth to have confidential telephone access to authorized parties.

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

- Information Practices Policy, I&C Manual, Sections 5720-5760
- Telephone Calls Policy, I&C Manual, Section 5135
- Youth Grievance Policy, I&C Manual, Sections 7005-7140

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 employee, other youth, or any other person 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 is 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. The ways in which communication between an authorized party and a youth may be accomplished are through a visit, the U.S. mail system, or the youth telephone system.
- 1.2. A youth has a right to a confidential telephone call with an authorized party.
- 1.3. A youth request to make a confidential telephone call to an authorized party shall not be denied.



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- 1.4. On the rare occasion that a Division of Juvenile Justice (DJJ) staff person must supervise 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.
- 1.5. A DJJ employee shall not question a youth about the nature and subject matter of a requested confidential telephone call with an authorized party.

2.0 Monthly Telephone Opportunities

- 2.1. A request to use the youth telephone system to contact an authorized party shall not replace any other telephone opportunities allocated to a youth by law or policy.

3.0 Scheduling

- 3.1. When a youth determines that a visit, U.S. mail contact, or the youth telephone system will not be adequate, a request to contact an authorized party by telephone may be made.
- 3.2. Within one (1) business day of a request being filed with the assigned Senior Youth Correctional Counselor (SYCC) or Parole Agent (PA) I, a youth shall be provided an opportunity to make a confidential telephone call to an authorized party.
- 3.3. A telephone call between the parties shall not supersede security needs such as counts, disrupt scheduled housing unit, school, or other programs.

4.0 Confidential Setting

- 4.1. A confidential telephone call shall occur in a confidential setting. Under no circumstances shall an employee remain in the room with a youth or otherwise listen to a telephone call between a youth and an authorized party.

5.0 Time Limits

- 5.1. A telephone call between a youth and an authorized party shall not have a time limit.

6.0 Emergency Grievance

- 6.1. If a youth fails to receive or an employee denies a requested telephone call to an authorized party, a youth may use the emergency grievance process to secure a resolution to the issue. An emergency grievance shall be addressed within one (1) business day. (Please refer to the Youth Grievance policy.)

7.0 Youth Request For Confidential Telephone Calls Procedures

- 7.1. Youth
 - 7.1.1. Submits the DJJ 8.413, Youth Telephone Request to an assigned SYCC or assigned PA I.
 - 7.1.2. If neither employee is on duty within the next 24 hours, submits the DJJ 8.413, Youth Telephone Request to the Duty Lieutenant.



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- 7.2. Senior Youth Correctional Counselor (SYCC) or Parole Agent I (PA I)
- 7.2.1. Upon receipt of the DJJ 8.413, Youth Telephone Request, ensures a youth has an opportunity for a direct telephone call with an authorized party and gives the youth an opportunity to leave a message with the authorized party, if the authorized party is not available.
- 7.2.2. Reminds a youth that an authorized party is not often accessible on Saturdays, Sundays, or holidays and if an authorized party is not accessible on the weekend, the requested telephone call will be permitted at the next business day.
- 7.3. Living Unit Employee
- 7.3.1. 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.
- 7.3.2. Ensures that any approved telephone contacts scheduled between an authorized party and a youth occur in a confidential setting.
- 7.3.3. Once completed, documents the telephone call between a youth and an authorized party on the DJJ 8.413, Youth Telephone Request and documents in Ward Information Network (WIN) under the youth's Case Notes tab. Documentation should also include unsuccessful attempts.
- 7.3.4. Places the completed DJJ 8.413, Youth Telephone Request in the Living Unit file.

TRAINING

Employee

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

Youth

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

QUALITY ASSURANCE

Senior Youth Correctional Counselor (SYCC) or Parole Agent (PA) I

1. Ensures a youth submits a DJJ 8.413, Youth Telephone Request form when asking permission for a direct telephone call with an authorized party.
2. Ensures that prior to any telephone contact, the name and phone number of an authorized party for a youth is verified.
3. Ensures that a telephone call between each youth and an authorized party is documented on the DJJ 8.413, Youth Telephone Request form and placed in the Living Unit file.

FORM(S)

1. DJJ 8.413, Youth Telephone Request