





San Francisco Juvenile Probation Department

Juvenile Hall Policy and Procedures Manual

Chapter 5 - Youth Rights

Policy Number:	5.01
Policy Name:	Youth Access to Legal Services
Authority:	Title 15, 1377 WIC 634
Replaces:	5.01 Youth Legal Access
Effective Date:	January 1, 2019
Revision Date:	October 20, 2018
Related Policies and Procedures:	5.01 - Youth Legal Access 5.08 - Mail 5.09 - Telephone Access 5.10 - Youth Visiting
Related Forms:	Youth Handbook Attorney Sign-In Log Daily Activity Sheet
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I. POLICY

Juvenile Hall Administration has developed and implemented written policies and procedures to ensure the right of youth to have access to the courts and legal services. Such access shall include:

- A. Access, upon a youth's request, to licensed attorneys and their authorized representatives
- B. Provision for confidential consultation with attorneys, and
- C. Unlimited postage at no cost for legal correspondence and cost-free telephone access as appropriate [Title 15, 1377].

Juvenile Hall administration and staff shall support and deliver the rights of all youth related to legal access including, but not limited to, assisting youth in accessing the court system, their attorney, and other authorized representatives including:

- A. Accommodating all reasonable requests of the youth, attorney, or authorized representative.
- B. Ensuring reliable and confidential meeting opportunities for consultation and communication between the youth and legal representatives including confidentiality in all legal correspondence and consultation (Policy 5.08 – Mail).
- C. Providing cost-free postage and telephone communication to the youth for legal correspondence.

II. PURPOSE

In addition to rehabilitative and other service needs, juvenile justice involved youth have many rights to which they are entitled and shall be afforded under the law. The right to access legal counsel and the courts is critical to protecting the constitutional rights of all youth involved in the juvenile justice system [In re Gault, 387 U.S. 1, 87 S. Ct. 1428 (1967)] but

also ensuring the appropriate response and services central to Juvenile Hall's rehabilitative goals.

Ongoing communication with attorneys and/or representatives supports comprehensive and effective representation by allowing for greater flow of information, increased trust, and involvement between the youth, counsel/advocate, and other justice system stakeholders.

During the disposition of a case, contact with legal counsel before the youth's detention hearing is vital for maximizing the youth's exercise of their rights. As such, Juvenile Hall staff shall work together to ensure that youth have access to an attorney. If the youth has not engaged an attorney, the court shall assign an attorney to the youth's case [WIC 634].

III. PROCEDURE

A. Access to Courts

All Juvenile Hall staff are responsible for facilitating the youth's rights to access the courts.

- i. Youth have the right to access the courts to present any issues including but not limited to:
 - a. Legality of their adjudication or confinement
 - b. Redress for illegal conditions or treatment while in custody
 - c. Remedies concerning civil legal problems
 - d. Any violations of rights protected by constitutional or statutory provisions or common law.
- ii. Juvenile Hall Administration and staff shall ensure that youth seeking judicial relief will be assured

confidentiality and shall not be subjected to penalties or reprisals based on these actions.

- iii. Staff shall allow youth to make any phone calls ordered by the Juvenile Court and shall ensure these calls are made to the individual listed in the Court Memorandum (Policy 5.09 – Telephone).

B. Access to Counsel and Other Authorized Representatives

- i. Juvenile Hall staff shall facilitate for all youth the opportunity to confer and have continued communication with an assigned or privately retained licensed attorney(s) in any legal matter(s) affecting the youth.
- ii. Juvenile Hall administration and staff shall guarantee timely exchange of uncensored communication between the youth and his or her attorney/representative [Title 15, 1377].

This includes free and confidential access to licensed attorneys and their authorized representatives in person, through the mail, and via telephone [Title 15, 1377].

- a. For detailed procedures on written correspondence with counsel and other representatives, see Policy 5.08 – Mail.
- b. For detailed procedures on telephonic communication with counsel and other representatives, see Policy 5.09 – Telephone.
- c. For detailed procedures on visits with counsel and other representatives, see Policy 5.10 – Youth Visits.

- iii. Licensed attorneys and their authorized representatives shall be allowed to access Juvenile Hall in accordance with facility policies.
- iv. Staff shall refrain from providing advice to youth that could be perceived as legal advice.