

**PROBATION DEPARTMENT
JUVENILE HALL MANUAL**

Chapter No. 4130	Page 1
Issue Date: 08/01/97	
Revised: 03/31/19	

**Notes and
References**

Legal Services/Law Enforcement Access

I. Access to Legal Services

Youth are ensured the right to have access to the courts and legal services.

A. Youth will have access, upon request, to licensed attorneys.

1. When youth are allowed calls with their designated attorneys and assigned probation officers, the call will be private.
2. Youth may correspond confidentially with state and federal courts and any member of the State Bar or holder of public office, and the Board of State and Community Corrections (BSCC); however, authorized Juvenile Hall staff may open and inspect such mail only to search for contraband and in the presence of the youth.
 - a. Youth will be provided free postage for legal mail going to assigned, licensed attorneys.
 - b. Youth may send and receive unlimited postage-free for legal mail.
3. Youth may meet privately with their assigned attorneys at the Juvenile Hall either in person or via video conferencing.

Title 15
Section 1377

See Chapter
4128, II-A; IV-B

II. Law Enforcement Access to Youth

- A. Juvenile Hall staff are not to restrict law enforcement officers from seeing or talking to a youth in regard to official business. A private interview room or office will be provided if an interview is conducted. If the youth requests his/her parent or attorney to be present, Juvenile Hall staff will facilitate the youth's request.
- B. Per SB395, if law enforcement request to interview a youth in custody, and the youth is 15 years of age and younger, staff

SB395

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Legal Services/Law Enforcement Access (continued)

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- must contact the public defender's office before the interview takes place and notify that law enforcement is requesting to interview the youth. Staff are to complete the PRO-177 and upload the form in the youth's IMPACT documents page.
- C. At no time shall staff advise or provide an opinion to the youth regarding whether or not to speak to the officer.
 - D. On occasion, law enforcement personnel may request permission to obtain a DNA sample or other forensic evidence after a youth is booked into Juvenile Hall. If the youth requests his/her parent or attorney to be advised and consent to collection, Juvenile Hall staff will facilitate the youth's request.
 - E. In all such situations, forensic medical services for the purpose of prosecution are to be collected by appropriately trained medical personnel who are not responsible for providing ongoing health care to the youth.
 - F. On occasion, law enforcement personnel may request that youth participate in a line-up. The youth's participation will require a temporary release from custody. Juvenile Hall administration shall be notified of the request and make the appropriate arrangements with the law enforcement agency. Administration or an authorized designee will also make the necessary notifications to the youth's parent/guardian and attorney. Such notification should be timely but can occur either before the release or after as time permits.
 - G. If booking pictures are requested for a photographic line-up, the request shall be forwarded to Juvenile Hall administration. Once the nature of the request is determined, pictures will be printed and forwarded to the law enforcement agency. If a group of pictures is released, each picture will be identified by number and a log will be created assigning a name to the numbered picture. The log will be kept in the Probation Manager's office. An entry must also be made on the youth's release of information form in their IMPACT file. The picture (s) will be marked with the disclaimer that the pictures shall not be disseminated.

Title 15,
Section 1452

PRO-27

Attorney
General
Opinion No.
02-1207

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Legal Services/Law Enforcement Access (continued)

- H. After notification to Juvenile Hall administration, at no time shall law enforcement officers be prohibited from:
1. Interrogating a youth in a juvenile detention facility, including before the filing of a juvenile petition.
 2. Temporarily removing a youth from a juvenile detention facility for investigative purposes. A court order is required before a temporary removal is granted if the detention hearing has already occurred.
 3. Placing a youth in a line-up.

III. Immigration and Customs Enforcement Requests (ICE)

Institution staff will through the normal course of their duties, have occasion to believe that a youthful offender is undocumented and in the U.S. ICE officials have the authority to determine a person's U.S. Citizenship or immigration status and may contact the Probation Department to inquire about juveniles under the jurisdiction of the Juvenile Court.

- A. Should ICE contact Santa Maria Juvenile Hall and inquire if a specifically named Juvenile - NOT currently in the facility - is in custody, including subjects 18 years of age; custody staff are to state the named individual is not housed in the facility.
- B. If the named youth IS IN custody at the time of the inquiry, the ICE agent is to be informed that absent a court order pursuant to 827(a)(1) WIC, no specific information will be released, including any confirmation the youth is detained.
- C. Upon receiving an inquiry from ICE, the facility staff are to notify the Supervising Probation Officer (SPO), who in turn will notify the manager. The request is to be documented in IMPACT via an event entry.