



**SAN MATEO COUNTY  
PROBATION DEPARTMENT  
INSTITUTIONS SERVICES MANUAL**

**ARTICLE 6  
Programs and Activities  
§1377**

---

**Topic                      Youth Access to Courts and Counsel**

**Policy**                      This policy protects the constitutional rights of youth to access the courts and legal counsel. Youth shall have unlimited access to the Courts and the ability to consult with legal counsel. (15 CCR 1324).

Institution staff should not unreasonably interfere with a youth's attempt to seek counsel, and where appropriate should assist youth with making confidential contact with attorneys and authorized representatives.

1. Access to courts and legal counsel may occur through court-appointed counsel, attorney, or legal assistant visits, telephone conversations, or written communication. To facilitate access, this facility will minimally provide:
  - a. Confidential attorney visiting areas that allow the attorney and the youth to share legal documents.
  - b. Youth allowed confidential attorney-client calls.
  - c. Reasonable access to legal materials.
2. The Superintendent or the authorized designee shall be responsible for ensuring that information regarding access to courts and legal counsel and requesting legal materials or legal assistance is included in the youth handbook that is provided during youth orientation (15 CCR 1377).

**1377.1 CONFIDENTIALITY**

All communication between youth and their attorneys is confidential, including telephone conversations, written communication, and video conferencing. The content of written attorney-client communication will not be reviewed or censored, but the documents may be inspected for contraband (see the Youth Mail Policy).

**1377.2 YOUTH REQUEST FOR ASSISTANCE**

Written materials addressing how a youth can access local attorneys and key legal documents shall be available in Admissions and each housing unit. Institution staff shall provide these materials to any youth upon request. However, staff shall not provide legal advice or assist any youth in completing any legal document.

### **1377.3 VISITATION RELATED TO LEGAL DEFENSE**

Visits with youth that are related to legal defense, including attorneys, paralegals, and investigators, will be permitted only in the areas designated for legal visitation to ensure confidentiality (15 CCR 1377). Contact visits may be approved by the Superintendent or the authorized designee for special circumstances.

Visits shall be as frequent as needed and be of a reasonable length of time to discourage any allegation that the defense of the youth was hindered due to the number and length of time allowed for the legally authorized visit. These visits shall be of such a length of time that they do not interfere with the security, order, or rules of this facility. The permissible time for visitation should be flexible but shall not substantially interfere with other facility schedules, such as medical examinations, meal service, or other required activities.

Only materials brought to this facility by an approved legal assistant shall be allowed.

1. All materials shall be subject to security inspections by the staff and shall be routed through the Officer of the Day for logging and distribution.

### **1377.4 MAIL**

Legal mail shall be handled in accordance with the Youth Mail Policy.