



**OREGON YOUTH AUTHORITY**  
**Policy Statement**  
**Part II – Youth Services (Facilities)**



*Subject:*

**Youth Legal Assistance [Facility]**

*Section – Policy Number:*

**F: Justice – 3.6**

*Supersedes:*

**II-F-3.6 (11/07)  
II-F-3.6 (05/04)**

*Effective Date:*

**10/31/2011**

*Date of Last Review:*

*No change*  
**10/31/2015**

**Related Standards and References:**

- [ORS 419C.200 \(Court-appointed Counsel\)](#)
- [ORS Chapter 151](#) (Public Defenders; Counsel for Financially Eligible Persons)
- [OAR 416-150-0020 \(Attorney Interview\)](#)
- [OAR Chapter 416, Division 440 \(Offender Mail\)](#)
- [Office of Public Defense Services](#)
- Performance-based Standards (PbS), *Juvenile Correction and Detention Facilities: Justice*
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 4-JCF-3A-01 (Access to Counsel and Courts); 4-JCF-3A-09 (Uncensored Mail); 4-JCF-3A-11 (Privileged Mail)
- [OYA policy](#): II-F-1.0 (Youth Rights [Facility])  
II-F-3.0 (Youth Mail in OYA Facilities)  
II-F-3.4 (Use of Telephones (Youth))

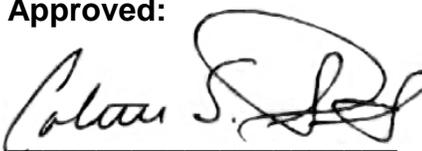
**Related Procedures:**

- None

**Policy Owner:**

Facility Services Assistant Director

**Approved:**



Colette. S. Peters, Director

**I. PURPOSE:**

This policy provides general standards for addressing youth attorney legal assistance in OYA facilities, including legal correspondence and communication.

**II. POLICY DEFINITIONS: None**

**III. POLICY:**

OYA recognizes youth committed to facilities have the right to consult privately with legal counsel and have access to courts, without obstruction or interference by staff.

Youth who have concerns regarding issues that require legal representation or assistance may obtain an attorney licensed to practice in the State of Oregon at their own expense. Youth determined to be indigent by the court may obtain a court-appointed attorney to assist in certain post-dispositional or probation violation hearings.

#### **IV. GENERAL STANDARDS:**

- A. All correspondence and communication between a youth and the youth's attorney or the attorney's authorized representative is confidential.
- B. Correspondence received from or sent to a youth's attorney is considered official correspondence and must follow OYA policy II-F-3.0 (Youth Mail in OYA Facilities).
- C. Staff must allow youth to retain confidential legal documents and correspondence.
- D. Staff must ensure youth are free from harassment, intimidation, punishment and retaliation for presenting complaints to the courts, participating in litigation, or communicating with their attorneys.
- E. Treatment managers or facility administrative staff coordinate legal visits in advance when an attorney wishes to consult with a youth who is a client or who has requested such consultation.
- F. Attorney telephone calls

Staff must give the youth as much privacy as possible within the limitations of the facility's physical design while making or receiving an attorney telephone call.

- 1. When a youth requests to telephone an attorney, the staff receiving the request must note the request in the unit living log.
- 2. The supervisor/manager, or designee, will arrange the call within 24 hours of the youth's request, excluding holidays and weekends.
- 3. All calls must be made within normal business hours, except in emergencies. In an emergency, the call must be arranged as soon as practicable, including weekends or holidays.
- 4. Staff will not screen or inquire into the reason for or purpose of the call except to determine if an emergency exists.
- 5. Staff must not deliberately listen to the youth's conversation.
- 6. Staff may visually monitor the youth for safety and security reasons while the youth is on the telephone.

7. The successful or unsuccessful completion of the attorney telephone call must be noted in the youth's JJIS "Visits/Phone Calls" tab.
8. Incoming attorney telephone calls

When an attorney calls a youth, the staff receiving the call must verify the attorney is on the youth's contact list prior to allowing the youth to speak to the attorney. If the youth is not available, staff must arrange for a return call as soon as possible, as described above.

G. Youth legal materials

1. A copy of the current directory of attorneys in Oregon must be maintained at each OYA facility and be accessible to youth.
2. Copies of the following legal resources must be maintained at each OYA facility and be accessible to youth:
  - a) Oregon Revised Statute, chapter 138;
  - b) Federal Habeas Corpus Statute;
  - c) Local Rules for the District of Oregon and the Ninth Circuit Court;
  - d) Federal Rules of Civil Procedure; and
  - e) Oregon Administrative Rules, Chapter 416.

**V. LOCAL OPERATING PROTOCOL REQUIRED: NO**