

Authority and Legal Assistance

101.1 PURPOSE AND SCOPE

This policy acknowledges and reflects the legal authority under which the San Diego County Probation Department shall operate and maintain a secure detention facility in this state. In addition to the authority vested by state law, the facility operates in accordance with these laws, constitutional mandates, regulations, and local ordinances, including the federal Juvenile Justice and Delinquency Prevention Act (Welfare and Institutions Code § 850; 15 CCR 1324).

101.2 POLICY

It is the policy of this department that the secure detention facility will be maintained by all lawful means for the detention of youth suspected of violating the law or who have been adjudicated as delinquent for committing a crime or civil offense by a competent legal authority, as prescribed by law.

101.3 LEGAL FOUNDATION

Facility staff at every level must have an understanding and true appreciation of their authority and limitations in operating a secure detention facility. The San Diego County Probation Department recognizes and respects the value of all human life and the expectation of dignity without prejudice toward anyone. It is also understood that vesting law enforcement, detention, and probation personnel with the authority to maintain lawful custody of youths suspected of criminal activity to protect the public and prevent individuals from fleeing justice requires a careful balancing of individual rights and legitimate government interests (15 CCR 1324).

The facilities shall be under the management and control of the Chief (Welfare and Institutions Code § 852).

101.4 LEGAL ASSISTANCE

The following are examples of areas where the services of the County Counsel and legal specialists can benefit the Department:

- (a) Analyze and alert the facility executive and management team to facility-related case law
- (b) Serve as a legal consultant in the construction and review of new facility policies and procedures
- (c) Serve as a legal consultant on issues related to but not limited to:
 1. Use of force
 2. Faith-based requests

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3. Complaints and grievances
 4. Allegations of abuse by staff
- (d) Serve as legal counsel in legal matters brought against this department and the Chief

101.4.1 LEGAL LIAISON

The Chief will designate one or more staff to act as a liaison between the Department and the County Counsel's office. The legal liaison officer will provide an orientation of the facility and detention facility policies to representatives of the County Counsel's office as needed.

The liaison officer will arrange for regularly scheduled meetings to provide an ongoing status report of facility issues to the legal counsel. The liaison officer will maintain an open relationship with legal counsel to move quickly on emerging facility issues that could have significant legal implications for the Department.

101.5 STATE REPORTING REQUIREMENTS

The Chief will ensure a letter is submitted to the Board of State and Community Corrections briefly describing each legal action pertaining to conditions of confinement filed against persons or legal entities responsible for Facility operations (15 CCR 1340).