

**Idaho Department of  
Juvenile Corrections  
Institutional  
Policy/Procedure**

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**SUBJECT: PRIVILEGED COMMUNICATIONS**

ORIGIN: JUVENILE SERVICES

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**Policy**

It is the policy of the Idaho Department of Juvenile Corrections (IDJC) to recognize the right of juveniles to communicate and correspond with their attorneys, legal aid services, other agencies providing legal services to juvenile, or paraprofessionals having legitimate association with such agencies; judges and clerks of federal, state and county courts; public officials and their authorized representatives acting in their official capacities; and the communications with clergy of the juvenile's faith.

**Operating Procedures**

- I. Communications and Correspondence
  - A. Telephone – Incoming or outgoing telephone contacts with attorneys are not limited or declined unless the juvenile is demonstrating an immediate threat to the safety of themselves or others. A call is returned as soon as the immediate threat is no longer present. Staff must verify that incoming calls are from the said attorney by recalling the number if necessary. An area is made available for the juvenile to converse with the attorney in private.
  - B. Mail – Incoming or outgoing privileged correspondence is treated as privileged mail only if the name and official status of the sender appears on the envelope. Privileged correspondence is exempt from the standard procedures for inspection. In no case is privileged mail read by staff. If there is a suspicion of abuse of privileged correspondence, or contraband suspected, the mail is opened by the juvenile with staff present. The facility pays postage for all privileged mail sent by first class postage. It does not pay for registered, certified, nor insured mail.
  - C. Visitation – Every juvenile has the right to meet privately and confidentially with their legal counsel while they are in IDJC placement. An appropriate area is provided to juveniles and their attorneys for such meetings to take place.

1. Visits by juveniles' legal counsel are arranged in advance to minimize unnecessary disruption to the program. Legal counsel, therefore, is encouraged to coordinate their visit in advance with the juvenile's Rehabilitation Specialist (RS).
2. If for some reason a visit by the juvenile's legal counsel takes place unexpectedly, reasonable efforts are made to allow counsel access to their client. If this is not possible, attempts are made to schedule an alternate time at which counsel can meet with the juvenile.
3. No juvenile is under obligation to meet with legal counsel and therefore is not forced or coerced into doing so against their wishes.

## II. Access to Legal Counsel

In the event a juvenile wishes to obtain legal counsel but has no attorney of record, or the juvenile simply does not know how to go about obtaining legal counsel, the RS ensures the following assistance is provided to the juvenile.

1. Appropriate telephone numbers and addresses are given to the juvenile to assist them in making contact with legal counsel. This is normally the juvenile's committing court; i.e., the public defender, as it is viewed as the committing court's ongoing responsibility to provide legal counsel to juveniles pertaining to legal matters relating to their placement in IDJC custody. Resource material is available at the Superintendent's office to help staff locate appropriate telephone numbers and addresses.
2. The Deputy Attorney General (DAG) may be available to assist staff in directing the juvenile to legal counsel, if possible, as requested. The DAG for the IDJC cannot represent any juvenile committed to the IDJC.

## III. Reports of Sexual Abuse/Sexual Harassment

In the event a juvenile desires to report an incident of sexual abuse/sexual harassment through a means outside of IDJC, they are allowed to do so and the communication is considered privileged.

1. If a juvenile wishes to report by phone, staff follow the same procedures and afford the juvenile the same level of privacy as described in section I.A.
2. Juveniles may submit sealed mail which is addressed to the Child Abuse/Neglect Reporting Agency. Juveniles may remain anonymous when using this method of reporting and are not required to include a return address.
3. The IDJC has identified the following outside agency to receive these reports. The outside agency immediately forwards the juvenile reports of

sexual abuse/sexual harassment to IDJC's statewide PREA Coordinator. The outside agency that has been identified is:

Child Protection, 1-855-552-5437  
FACS-Central Intake  
1720 Westgate Drive  
Suite A, Boise Id. 83704

#### IV. Access to Victim Advocacy Services

In the event a juvenile who is the victim of an incident of sexual abuse/sexual harassment desires to access victim advocacy services outside of the IDJC, they are allowed to do so and the communication is considered privileged.

1. If a juvenile wishes to report by phone, staff follow the same procedures and afford the juvenile the same level of privacy as described in Section I.A.
2. Juveniles may submit sealed mail which is addressed to the Victim Advocacy service provider in their region. Juveniles may remain anonymous when using this method of reporting and are not required to include a return address.
3. The IDJC has identified the outside providers to receive these calls and letters in order to facilitate the appropriate services. The names, telephone numbers, and address are visibly available to all juveniles. Memorandum of Understanding's are on file with the IDJC PREA Coordinator and Facility PREA Compliance Managers.

*Reference:* [Glossary of Terms and Acronyms](#)

*Related Policies:* [Correspondence and Communication: Mail, Telephone and Visitation \(674\)](#)  
[Prison Rape Elimination Act \(PREA\) Compliance \(613\)](#)

*Related Forms:* *None*