

## Legal Consultation Mandate for Juveniles

<b>Effective Date:</b>	4/14/2026
<b>Revised Date:</b>	4/14/2026
<b>Issuing Authority:</b> Chief Probation Officer	

### 411.1 PURPOSE:

To establish guidelines for legal consultation required before any custodial interrogation of youth under the age of 18 years old.

### 411.2 DEFINITIONS:

Custodial Interrogation: Questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.

Welfare and Institutions Code 625.6: The legal requirement for a youth under 18 years of age to consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving their Miranda Rights.

Uniform Crime Report Forms (CR1-4): Documents completed by the arresting agency to gather and record information regarding an incident or crime.

### 411.3 GUIDELINES:

- A. Welfare and Institutions Code 625.6(d) does not require a probation officer to contact an attorney for consultation in the normal performance of their duties under Section 625, 627.5, or 628 of the Welfare and Institutions Code.
- B. An officer's failure to comply with the requirement to provide an attorney consultation must meet the limited exception criteria pursuant to Section 625.6(c) of the Welfare and Institutions Code.

### 411.4 RESPONSIBILITIES:

- I. Sworn Staff:
  - A. Administer the Miranda Warning statement, per the department-issued Miranda Warning card, to youth arrested for a new law violation.
  - B. For youth under the age of 18 years old, ensure an in-person, telephone, or video conference with legal counsel is provided prior to any custodial interrogation. The consultation cannot be waived.
  - C. Contact the youth's attorney of record, if known. If the youth does not have one, contact the Public Defender's Office – Juvenile Division main office.

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1. The Public Defender's Office – Juvenile Division on-call phone number may be used during normal business hours if unable to establish contact by the main office.
  2. If a youth in a juvenile detention or treatment facility requires an in-person or video conference consultation, refer the attorney to the Watch Commander (WC)/designee to make an appointment, and provide the arresting officer's name and contact information for appointment follow-up.
  3. For successful attorney contact:
    - (a) Acquire the attorney's name prior to them speaking with the youth.
    - (b) Maintain visual supervision to allow confidentiality during the contact.
  4. For an unsuccessful attorney contact, make a second attempt within a reasonable timeframe, but no more than fifteen (15) minutes from the initial attempt.
- D. After the consultation, administer the Waiver of Rights questions to the youth.
1. If a youth invokes their Miranda Rights, do not ask any questions about the circumstances of the offense.
  2. If a youth waives their Miranda Rights upon legal advice, the circumstances of the offense may be discussed.
- E. Document all successful and unsuccessful in-person, telephone, and video conference contacts in the following manners:
1. Caseload Explorer (CE) as a Collateral Contact – include the date, time, and number dialed. The attorney's name, the time of each unsuccessful attempt, the nature of contact (i.e., in-person, telephone, or video conference), and whether the youth waived or invoked Miranda Rights must be included when applicable.
  2. Juvenile Probable Cause Declaration and Uniform Crime Report Forms (located in ProbTools) – include the date, time, and number dialed. The attorney's name, the time of each unsuccessful attempt, the nature of contact (i.e., in-person, telephone, or video conference), and whether the youth waived or invoked Miranda Rights must be included when applicable.
- F. Staff may question a youth prior to legal consultation only under the following limited exceptions and must document the details in CE as a Supervision Note:
1. The officer has a reasonable belief that the information sought is necessary to protect life or property from imminent threat.
  2. The officer's questions are limited to only those questions that are reasonably necessary to obtain information regarding the protection of life or property.

## II. Watch Commander (WC)/Designee:

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- A. Ensure attorney requests for in-person or video conference consultations are accommodated for youth in juvenile detention and treatment facilities.
- B. Follow up with arresting officers to advise of scheduled legal consultations.