

Division of Youth Rehabilitative Services

<b>Chapter 2: Professional Practices</b>	<b>Policy # 2.5</b>	<b>Page: 1 of 2</b>
<b>Subject:</b> Legal Assistance	<b>Standards:</b> ACA: 3-JDF-1A-32, 3-JTS-1A-28, 4-JCF-6D-01	
<b>Effective Date:</b> 10/27/99	<b>Revised:</b> 6/27/14	

- I. PURPOSE: To ensure that legal assistance is provided for staff in the performance of their duties.
- II. POLICY: The Division Director and all staff shall be provided with adequate and appropriate legal advice in the performance of their duties. This shall include legal representation before courts and other appropriate bodies.
- III. DEFINITIONS: As used in this document, the following definitions shall apply:
  - A. Statute: A law enacted by a representative legislative body and set forth in a formal document.
  - B. Legal Performance: Actions conforming to and permitted by law.
- IV. PROCEDURES:
  - A. Counsel Availability: The office of the Attorney General is available for advice, consultation and/or representation to the Division Director, Superintendents/Chief/Administrator, and other staff for any or all:
    1. Legal actions against the Division Director, Superintendents, Chief, Administrators and/or staff.
    2. Court decisions.
    3. Offender rights issues.
  - B. Legal Advice: Consultation is available on:
    1. Policy information.
    2. Court requirements.
    3. Operational matters.
  - C. Requests for Legal Assistance: Requests for legal assistance must be made in writing to the Division Director. All requests must be accompanied with adequate background information and/or supporting documents to explain the need for assistance. All requests shall then be forwarded to the office of the Attorney General with the Division Director's comments and recommendations.

Division of Youth Rehabilitative Services

<b>POLICY # 2.5</b>	<b>SUBJECT:</b> Legal Assistance	<b>PAGE:</b> 2 of 2
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- D. Evaluation of Requests for Legal Assistance: The Department provides appropriate representation to all staff members of the Division who are legitimately conducting their respective duties. Should substantial evidence indicate the staff member's conduct was negligent, illegal, or intentionally outside his/her scope of authority, legal representation may be denied. If a staff member is denied legal representation, a written decision shall be provided by the Attorney General, including the reason for the decision and right of appeal information.

Review Date:	Reviewed By:
6/27/14	Nancy S. O'Leary
5/16/16	Nancy S. O'Leary