

# APPLICABLE REQUIREMENTS FOR ADULT FACILITIES THAT HOLD MINORS IN DETENTION

## The Juvenile Justice and Delinquency Prevention Act of 2002 Pub. L. No. 93-415 (1974), 34 U.S.C. 5601

Facilities that hold adults in secure detention AND minors in **secure detention in a lockup or to a cuffing fixture** are required to comply with the following core protections of the Juvenile Justice and Delinquency Prevention Act (JJDP):

- 1. Deinstitutionalization of Status Offenders** (Section 223 (a) [11])  
Minors who are charged with only a status offense (Welfare and Institutions Code [WIC] §601) or who are nonoffenders (WIC §300) **must not be held in secure detention.**
- 2. Separation** (Section 223 (a) [12])  
Minors held in secure detention **must not come into sight or sound contact with adult offenders.**
- 3. Jail Removal** (Section 223 (a) [13])  
Delinquent minors (WIC §602) **must not be held in secure detention for more than six (6) hours** pending investigation, processing, and release.
- 4. Disproportionate Minority Contact/Reducing Racial and Ethnic Disparity** (Section 223 (a) [22])  
States must address the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system (including law enforcement).

For more information on the JJDP and compliance monitoring, please visit:  
<http://www.ojjdp.gov/compliance/index.html>.

## Welfare and Institutions Code §207.1(d)(1)

In addition to the requirements of the JJDP, facilities that hold minors in **secure detention in a facility that contains a lockup** shall meet the conditions of WIC §207.1(d)(1):

(d) (1) A minor 14 years of age or older who is taken into temporary custody by a peace officer on the basis of being a person described by Section 602, and who, in the reasonable belief of the peace officer, presents a serious security risk of harm to self or others, may be securely detained in a law enforcement facility that contains a lockup for adults, if all of the following conditions are met:

(A) The minor is held in temporary custody for the purpose of investigating the case, facilitating release of the minor to a parent or guardian, or arranging transfer of the minor to an appropriate juvenile facility.

(B) The minor is detained in the law enforcement facility for a period that does not exceed six hours except as provided in subdivision (f).

(C) The minor is informed at the time he or she is securely detained of the purpose of the secure detention, of the length of time the secure detention is expected to last, and of the maximum six-hour period the secure detention is authorized to last. In the event an extension is granted pursuant to subdivision (f), the minor shall be informed of the length of time the extension is expected to last.

(D) Contact between the minor and adults confined in the facility is restricted in accordance with Section 208.

(E) The minor is adequately supervised.

(F) A log or other written record is maintained by the law enforcement agency showing the offense that is the basis for the secure detention of the minor in the facility, the reasons and circumstances forming the

basis for the decision to place the minor in secure detention, and the length of time the minor was securely detained.

**Welfare and Institutions Code §207.1(d)(2)**

Facilities that hold minors in **nonsecure detention in a facility that contains a lockup** shall meet the conditions WIC §207.1(d)(2):

(2) Any other minor, other than a minor to which paragraph (1) applies, who is taken into temporary custody by a peace officer on the basis that the minor is a person described by Section 602 may be taken to a law enforcement facility that contains a lockup for adults and may be held in temporary custody in the facility for the purposes of investigating the case, facilitating the release of the minor to a parent or guardian, or arranging for the transfer of the minor to an appropriate juvenile facility. While in the law enforcement facility, the minor may not be securely detained and shall be supervised in a manner so as to ensure that there will be no contact with adults in custody in the facility. If the minor is held in temporary, nonsecure custody within the facility, the peace officer shall exercise one of the dispositional options authorized by Sections 626 and 626.5 without unnecessary delay and, in every case, within six hours.

**California Code of Regulations, Title 15, Minimum Standards for Local Detention Facilities**

Facilities that hold minors in **secure and/or nonsecure detention in a facility that contains a lockup** shall also comply with various sections of the California Code of Regulations, Title 15, including Article 9, Minors in Temporary Custody in a Law Enforcement Facility.

For a link to applicable regulations, please visit:

[http://www.bscc.ca.gov/s\\_fsoresources](http://www.bscc.ca.gov/s_fsoresources).