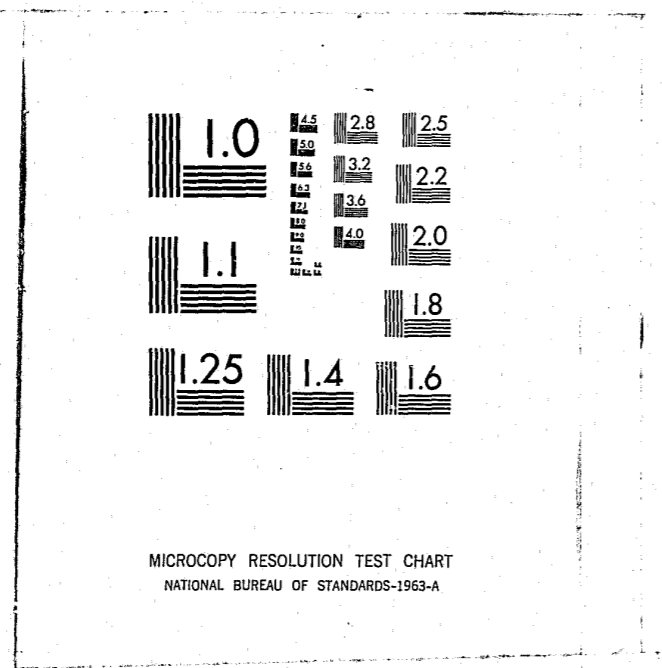


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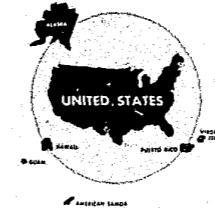
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**JUVENILES IN ADULT CORRECTIONAL FACILITIES:
A COMPILATION AND ANALYSIS OF STATE STATUTES**

October, 1980

Report No. 5

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This report examines in detail the laws of the 50 states as they relate to the placement of juveniles in adult correctional facilities. This is an area of juvenile law which has undergone tremendous change in the past decade. Much of the activity can be attributed to the following two factors:

- 1) the sensitivity of many state legislatures to the potential psychological and physical harm caused by incarcerating juveniles with adult offenders, and
- 2) the increased role of the federal government in juvenile justice on the state and local levels since 1974.

The Juvenile Justice and Delinquency Prevention Act of 1974 (the Act) established within the Justice Department's Law Enforcement Assistance Administration (LEAA) an Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Office was created to increase the federal government's impact on juvenile justice on the national and state level.

In establishing OJJDP, Congress outlined in the 1974 legislation some of the major objectives toward which OJJDP was mandated to strive. Monies were appropriated under the Act to assist the Office to achieve these objectives. If a state wished to participate in the Act, and thereby be eligible to receive funds appropriated under the Act, it had to agree to demonstrate progress in meeting stated objectives.

One of the most prominent objectives outlined was the separation of juveniles from adults in jails and correctional facilities. The goal of separation was defined in Sec. 223 (a) (13) of the act as: "... that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges." OJJDP defines 'no regular contact' as meaning at least sight and sound separation.

In the 1980 reauthorization of the Act now before Congress, OJJDP and the Justice Department are recommending that the sight and sound requirements be eliminated in favor of a standard of complete removal of children from adult correctional facilities. Their position, outlined in a March 8, 1980 memorandum from Doyle Wood to Ira Schwartz, states in part: "Recent state experience in achieving 'sight and sound' separation has often resulted in living conditions tantamount to isolation in the most undesirable areas of the facility (i.e., isolation cell, drunk tank, etc). These experiences give rise to the notion that adequate separation as intended in the Act is virtually impossible within the confines of county jails and city lockups." OJJDP's position is based on studies that demonstrate the emotional and physical abuses to children placed in jails, and the enormous operational problems in attempting to provide a humane environment within the confines of a jail.

For the purposes of determining compliance with the present separation requirements OJJDP utilizes each state's definition of a juvenile. Most states require youths under 18 to be separated from persons over 18 in jails. This is because they continue juvenile court

jurisdiction until age 18. Because 16 and 17 year olds in New York, Connecticut and North Carolina are statutorily defined as adults, the Act does not require that they be kept separate from adults in jails or adult penal institutions. In these three states, 16 and 17 year olds are routinely detained and committed in adult correctional institutions. This dissimilar treatment of 16 and 17 year olds is reflected in their statutes. For example, Connecticut's statutes read that no juvenile shall be detained in a jail, but it must be remembered this only affects youths under 16.

Juveniles who are waived or certified to adult criminal court are not considered juveniles under the Act. Commingling juveniles of any age awaiting adult prosecution with adults in jails is, therefore, not a violation of the separation mandates.

Since the Act has been in effect, 47 states have agreed to the outlined requirements, including deinstitutionalization of status offenders, and received funds appropriated under the Act. Nebraska, Oklahoma, and Wyoming have never participated, while South Dakota, North Dakota and Nevada voluntarily withdrew from the Act after initial participation. The reasons for nonparticipation often involved fundamental disagreements with the federal deinstitutionalization and separation requirements. Some states view the financial incentive as insufficient contrasted with the expenditure of state funds necessary to achieve compliance with the Act. Recent legislative and programmatic changes in Nebraska and Oklahoma have generated renewed interest in possible participation in the Act.

For a state to continue to participate in the Act and receive funds it must demonstrate substantial progress, defined as 75% compliance, within three years from the date of its initial participation. Within five years a state must achieve 100% compliance. Yearly monitoring reports from each participating state are prepared by the State Planning Agency (SPA) and sent to OJJDP for review.

Regarding the separation of juveniles from adults in adult facilities, the monitoring reports are designed to demonstrate a state's progress in two ways: 1) through compilation of data on the reduction of juveniles in jails and adult correctional facilities, and 2) by supplying a narrative on the past year's activities which have impacted, either positively or negatively, on the ability to achieve compliance.

Legislative activities are highlighted in many states' monitoring reports. In some states, this activity concerns programmatic changes, such as jail standards, restricting juveniles in jails, increased monitoring of jails, or state expenditures for secure juvenile detention facilities. Other states have enacted basic changes in their laws to achieve at least statutory compliance with the separation requirements of the Act. While OJJDP is interested in actual rather than statutory compliance, the degree to which a state legislature debates and enacts legislation to separate children from adults in correctional facilities is an indication of that state's interest and support for the goals of the Act. When the Act was passed, most states permitted the commingling of juveniles and adults in correctional settings.

Sarri and Levin in Juvenile Delinquency: Comparative Analysis of Legal Codes in the United States list in their section on state statutes as amended through 1972 only five states (Arizona, California, Connecticut, Idaho and Maryland) that had total prohibitions on the detention of juveniles in adult jails. Every other state permitted such jailing under various circumstances. In 12 states, the only requirement needed was that the juvenile had reached a certain age. In four states, the juvenile had to be found to be a menace to others in the detention facility before he/she could be detained in a jail.

Only 13 of the 45 states had any statutory language requiring the separation of juveniles from adults. This separation varied from merely requiring separate cells to mandating a totally separate juvenile section administered independently of the adult section of the jail. The use of adult penal institutions as a dispositional alternative available to the juvenile court was statutorily provided for in 22 states in 1972 (Levin and Sarri, p. 57). Furthermore, 19 states authorized their juvenile corrections agencies to transfer a juvenile committed to their custody by the juvenile court to an adult facility without approval of the court (Levin and Sarri, p. 56).

Our report indicates that the situation today is very different. Although total, statutory compliance with the Act's separation mandates has not been reached, states have amended their juvenile statutes to limit the circumstances in which juveniles can be placed or commingled with adults in correctional settings. While states have acted on this issue often at the behest of legislators who recognized the need to remove children from jails, the framework of such legislative activity has been affected by OJJDP holding that 'regular contact' means at a minimum sight and sound separation.

In contrast to the situation in 1972, only three states currently have no statutory limitations on the level of contact between juveniles and adults in secure confinement.

Statutes limit the commingling of children and adults in the following ways: 1) total prohibition on placement of juveniles in adult facilities, 2) physical separation, 3) separation due to lack of interaction, and 4) sight and sound separation (OJJDP terminology). Five states statutorily prohibit the detention of juveniles in jails under any circumstances. This does not include North Carolina which, in its 1979 code revision, mandated a total prohibition, effective July 1, 1983. North Carolina now requires total physical separation.

Six states have statutes requiring no regular or not more than incidental contact. In accordance with OJJDP guidelines, six states require sight and sound separation. Physical separation, in one form or another, is the statutory requirement in 20 states. Variation is greatest in this category. The statutes phrase their requirement as a) physical separation, b) a place totally separate from adults, or c) a place entirely separate from adults. The degree to which these states have requirements more stringent than OJJDP's sight and sound standards depends upon the exact nature of physical separation mandated. North Dakota

only requires the juvenile be detained in a separate cell in contrast to Washington where the detention must be outside the enclosure of any jail or police station. The level of separation often varies depending upon certain factors, usually the juvenile's age. States most often have a total prohibition against detaining younger juveniles (under 14, 15, or 16) coupled with a physical or sight and sound separation for the older juveniles. Two states, Hawaii and New York, have no statutory language limiting the use of jails for juvenile detention.

Many argue that the present sight and sound separation requirement does not adequately reduce the harmful effects of jail detention on children. The result all too often is that juveniles are in solitary confinement to achieve what is technically compliance with the separation requirements. Two states, New Hampshire and Wisconsin, recognize this possibility and statutorily prohibit the use of solitary confinement or disciplinary rooms for juveniles.

The commitment or transfer of juveniles to adult facilities is one of many areas of juvenile law on which many state statutes are silent. Concerning juveniles processed in the juvenile justice system, 18 states have no clear statutory language either permitting or prohibiting such placements. In most cases, it can only be said that the dispositions available to the juvenile court include non-institutional sanctions and placement with an agency authorized to treat juveniles. One may, as we have, assume that such statutes provide no legal basis for any placement or transfer of juveniles to an adult facility. Nineteen states have statutory language clearly prohibiting such post-adjudicatory placement of juveniles.

In 13 states, juveniles can be placed in an adult correctional facility under a variety of circumstances. The court, upon finding the juvenile to be either a danger to himself/others or unable to benefit from treatment in the juvenile system, has the authority to commit the juvenile to an adult institution in five states (Connecticut, Kentucky, Maryland, Missouri and Virginia). In four states (Idaho, Indiana, Maine and Wyoming), the court may 'sentence' juveniles to jail for a determinate period from 10 to 60 days. In New Hampshire, a juvenile who is at least 17 years, six months old may be committed to jail for a term not to exceed the maximum time for which an adult could be sentenced. South Dakota and Nebraska only limit the placement of juveniles under 15 and 16 years old respectively to adult facilities. South Carolina is the only state which statutorily gives the power to place a juvenile in an adult institution to an authority other than the juvenile court. The superintendent of either the South Carolina School for Boys or the John G. Richards School for Boys has the authority to transfer a juvenile under his jurisdiction to the Department of Corrections for placement in a penal institution.

Two important points must be reiterated. First, statutory compliance or lack thereof should not be mistaken for actual compliance. Simply legislating a noble goal does not in itself insure that end. Conversely, lack of statutory language does not necessarily reflect inaction. New York, which lacks statutory language prohibiting detention in jail, achieves a high level of compliance on the separation mandate through a requirement of administrative approval for such

detention. The example of New York brings up the second point that states have differing ages of general juvenile court jurisdiction and must be judged accordingly. Enthusiasm for the total prohibition of jailing juveniles in North Carolina and Connecticut must be tempered by the realization that 16 and 17 year olds in these states are still detained in jails as they are legally adults under state law.

This report compiles statutes of the 50 states relevant to the placement of juveniles in jails and adult correctional facilities in both pre- and post-adjudication stages. The information was collected from the most recent supplements available which in most cases included 1979 legislative changes. 1980 legislative changes enacted in North Carolina, Indiana, Maine, Mississippi, Arizona, Oklahoma, Missouri, Florida, South Carolina, and Washington are included. Rather than merely compiling a chart of the number of states permitting juveniles to be placed in adult correctional facilities or the number of states in complete statutory compliance with the OJJDP separation mandates, this report supplies the citations and exact quotes of the relevant statutes from all 50 states. This will permit the reader to obtain a full appreciation of the differences among the states in their approach to this issue.

ALABAMA

Pre-adjudication

- o 12-15-61
"(b) A delinquent child or a child alleged to be delinquent may be detained in a jail or other facility for the detention of adults only if:
(1) No other detention facility is available;
(2) The detention is in a room separate and removed from all contact with adult inmates;
(3) Adequate supervision is provided; and
(4) The facility is approved by the department of youth services.
(c) The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately when a child, who is or appears to be a child as defined by this chapter, is received at the facility, and shall deliver him to the court upon request or transfer him to a detention facility designated by the court."

Post-adjudication

- o 12-15-71
"(d) No child by virtue of a disposition under this section shall be committed or transferred to a penal institution or other facility used for the execution of sentences of persons convicted of a crime."

ALASKA

Pre-adjudication

- o 47.10.130. Detention.
"No minor under 18 years of age who is detained pending hearing may be incarcerated in a jail unless assigned to separate quarters so that the minor cannot communicate with or view adult prisoners convicted of, under arrest for, or charged with a crime. When a minor is detained pending hearing, his parent, guardian, or custodian shall be notified immediately."
(47.10.290 defines a juvenile detention facility as separate quarters within a city jail and a juvenile detention home as a separate establishment, exclusively devoted to the detention of minors on a short term basis and not a part of an adult jail.)

Post-adjudication

While no statutory language prohibits commitment to an adult facility, the options available under 47.10.080 provide no basis for such an order.

ARIZONA

Pre and Post-adjudication

- o Arizona Constitution, Article 22-16
"Confinement of minor offenders. It shall be unlawful to confine any minor under the age of eighteen years accused or convicted of crime in the same section of any jail or prison in which adult prisoners are confined. Suitable quarters shall be prepared for the confinement of such minors."
- o 8-226. Detention center; separate custody.
(A) The board of supervisors shall maintain a detention center separate and apart from a jail or lockup in which adults are confined where children alleged to be delinquent or incorrigible and within the provisions of this article shall, when necessary before or after hearing, be detained.
(B) A child, pending a hearing, shall not be placed in an apartment, cell or place of confinement with adults charged with or convicted of crime.
(C) Any detained child who, by his conduct, endangers or evidences that he may endanger the safety of other detained children shall not be allowed to intermingle with any other child in the detention center."

ARKANSAS

Pre and Post-adjudication

- o 45-605
"Juveniles alleged or found to be delinquent shall not be confined or detained in any facility where they would have regular contact with adults, charged with or found to have committed a crime."
- o 45-422
"Juveniles in an institution or facility in which adult convicts are held shall not be kept in the same cell with adult convicts pending adjudication of the juvenile case."

CALIFORNIA

Pre and Post-adjudication

- o Welfare and Institutions Code 207
"(a) No court, judge, referee, or peace officer shall knowingly detain in any jail or lockup any person under the age of 18 years, unless a judge of the juvenile court shall determine that there are no other proper and adequate facilities for the care and detention of such person, or unless such person has been transferred by the juvenile court to another court for proceedings

not under the Juvenile Court Law and has been charged with or convicted of a felony."

o Welfare and Institutions Code 208

"(a) When a person under 18 years of age is detained in or sentenced to any institution in which adults are confined it shall be unlawful to permit such person to come or remain in contact with such adults."

(Legislatively the California Youth Authority is mandated to provide care and treatment to individuals from 8 to 25 years of age; so California has institutions holding juveniles and adults together. However, as a result of an agreement signed between the State of California and OJJDP on July 17, 1980, the Youth Authority will substantially separate individuals under the age of 18 from those over the age of 18.)

COLORADO

Pre-adjudication

o 19-2-103

"(6) (a) No child under the age of 14 and, except upon order of the court, no child 14 or older and under 16 shall be detained in a jail, lockup, or other place used for the confinement of adult offenders or persons charged with crime. The exception shall be used by the court only if no other suitable place of confinement is available or if the child is being held for criminal proceedings pursuant to section 19-1-104 (4).

(b) Except as provided in paragraph (b) of subsection (3) of this section a child 14 or older shall be detained separately from adult offenders or persons charged with crime."

(Subsection (3) (b) relates to juveniles being held for adult prosecution.)

Post-adjudication

o 19-8-104

"(4) The department of institutions shall not have the authority to place in a penal institution any child committed under section 19-3-113."

(19-3-113 defines delinquents.)

CONNECTICUT

Pre-adjudication

o 46b-131. Custody of alleged delinquent child pending disposition. Bail. Probable cause for detention. Release.

"In no case shall a child be confined in a community correctional center or lockup, or in any place where adults are or may be confined, excepted in the case of a mother with a nursing infant;

nor shall any child at any time be held in solitary confinement."

Post-adjudication

o 17-420. Transfer to other agencies or institutions.

"(a) When the commissioner, or his designee, determines that a change of program is in the best interest of any child or youth committed or transferred to the department, he, or his designee, may transfer such person to any appropriate resource or program administered by or available to the department, to any other state department or agency, or to any private agency or organization within or without the state under contract with the department; provided no child or youth voluntarily admitted to the department under section 17-419 shall be placed or subsequently transferred to Long Lane School or the Connecticut School for Boys; and further provided no transfer shall be made to any institution, hospital or facility under the jurisdiction of the department of correction, except as authorized by section 18-87, unless it is so ordered by a court of appropriate jurisdiction after a hearing. When, in the opinion of the commissioner, or his designee, a person fourteen years of age or older is dangerous to himself or others or cannot be safely held at the Connecticut School for Boys, or Long Lane School, or any other facility within the state available to the commissioner of the department of children and youth services, the commissioner, or his designee may request an immediate hearing before the juvenile court in the district where such person was originally committed to determine whether such person shall be transferred to the Connecticut Correctional Institution, Cheshire, if a male, or the Connecticut Correctional Institution, Niantic, if a female. The court shall, within three days of the hearing, make such determination. If the court orders such transfer, the transfer shall be reviewed by the court every six months thereafter to determine whether it should be continued or terminated, unless the commissioner has already exercised the powers granted to him under section 17-420a by removing such person from the Connecticut Correctional Institution, Cheshire.

(b) Unless ordered by the juvenile court at the time of commitment, no child or youth committed to the commissioner shall be placed in or transferred to a state operated residential mental health facility under the jurisdiction of the commissioner without a hearing before the commissioner or his designee. Such hearing shall be conducted in accordance with the provisions of chapter 54.

(c) Notwithstanding the provisions of subsection (b) of this section, (1) any delinquent child may be placed at any time in Long Lane School or the Connecticut School for Boys, and (2) the commissioner may transfer any child or youth committed to him to any institution, hospital or facility for mentally ill children under his jurisdiction for a period not to exceed fifteen days if the need for such emergency treatment is certified by a psychiatrist licensed to practice medicine by the state."

- o 17-420a. Jurisdiction over transferee to Connecticut Correctional Institution, Cheshire.
"Any person committed to the department of children and youth services who is transferred to the Connecticut Correctional Institution, Cheshire, pursuant to section 17-420 shall be deemed, while so transferred, to be under the jurisdiction of the department of correction except that the commissioner of the department of children and youth services shall retain his powers to remove such person and to place him in another facility or in the community or to terminate the commitment."

DELAWARE

Pre-adjudication

- o 10-934
"(3) May order the child detained in a facility designated by the Department of Health and Social Services."
(This refers to a child alleged to be delinquent. Nothing in this or any other section describes what facilities the Department of Health and Social Services can designate for holding children alleged to be delinquent.)

Post-adjudication

- o 10-937
"(c) Subject to the provisions governing amenability pursuant to 938 of this title, the Court shall commit a delinquent child to the custody of the Department of Corrections."
- o 11-6526. Separate programs for youthful offenders.
"Appropriate separate custodial care and work and training facilities shall be provided for youthful offenders by the Department (of Corrections), subject to facilities of existing structures, staff and appropriations."

FLORIDA

Pre-adjudication

- o 39.032
"(1) ... Under no circumstances shall the intake officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults.
(5) (a) The court may order the delivery of a child to a jail or other facility intended or used for the detention of adults when the child has been transferred for criminal prosecution as an adult pursuant to this chapter. The receiving facility shall contain a separate section for juvenile offenders and have an adequate staff to supervise and monitor the child's activities at all times."

(SB 409, passed during the 1980 legislature, removed the option of placing runaways in a jail or a secure facility, as well as the court's ability to place a juvenile who is beyond the control of the detention staff in an adult facility. The bill also gave the court the option of placing juveniles transferred for criminal prosecution in a jail rather than mandating such placement as the statute had previously required.)

Post-adjudication

- o 39.11. Powers of disposition.
(1) For child adjudicated delinquent:
"(1) (b) ... but the court shall not commit the child to a jail or to a facility used primarily as a detention home or shelter."

GEORGIA

Pre-adjudication

- o 24A-1403. Place of detention.
"(a) A child alleged to be delinquent may be detained only in:
(1) a licensed foster home or a home approved by the court;
(2) a facility operated by a licensed child welfare agency;
(3) a detention home or center for delinquent children which is under the direction or supervision of the court or other public authority or of a private agency approved by the court;
(4) any other suitable place or facility designated or operated by the court; provided, however, that the court shall not designate a place of security, other than a county juvenile detention facility or regional youth development center, unless:
(A) the facility in paragraph (3) is not available; and
(B) the court or its designated intake officer determines that detention in a place of security is necessary to insure that the child will not harm himself or others; and
(C) the detention is in a room separate and removed from those for adults and constructed in such a way that there can be no physical contact between a child and an adult offender.
Provided, however, that a child shall not be incarcerated in such a facility for more than 18 hours."

"(d) The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall immediately inform the juvenile court or a duly authorized officer of the juvenile court if a person who is or appears to be under the age of 17 years is received at the facility and shall bring him before the court upon request or deliver him to a detention or shelter care facility designated by the court, additional period not to exceed 48 hours."

Post-adjudication

- o 24A-2302. Disposition of delinquent child.
The following dispositional options are available to the court:

"(a) Any order authorized by Section 24A-2301 for the disposition of a deprived child;

(b) Placing the child on probation under the supervision of the probation officer of the court or the court of another State as provided in Section 24A-3003, or any public agency authorized by law to receive and provide care for the child, or the chief executive officer of any community rehabilitation center acknowledging in writing his willingness to accept the responsibility for the supervision of the child, under conditions and limitations the court prescribes.

(c) Placing the child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority; or

(d) Committing the child to the Division of Children and Youth."

- o 24A-2401. Order of adjudication; non-criminal.

"(a) A child shall not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of persons convicted of crime."

HAWAII

Pre-adjudication

- o 571-32

"(d) No child shall at any time be detained in a police station, lockup, jail, or prison, except that, by the judge's order in which the reasons therefor shall be specified, a child whose conduct or condition endangers his own safety or the safety of others in the detention facility for children may be placed in some other place of confinement that the judge considers proper, including a jail or any other place of detention for adults."

"(g) The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately when a child who is or appears to be under eighteen years of age is received at the facility."

Post-adjudication

- o 571-48

"(4) An institution to which a child is committed under section 571-11 (1) or (2) (delinquents, neglected children and status offenders) shall not transfer custody of the child to an institution for the correction of adult offenders, except as authorized under section 352-27."

(352-27 relates to the uniform criminal extradition act.)

IDAHO

Pre-adjudication

- o 16-1812A. Standards for Detention (effective July 1, 1979).
"(1) Juvenile detention facilities must be so constructed and/or maintained as to keep children segregated from adult offenders or those being treated as adult offenders, with there to be no contact as to sight and/or sound between the two (2) classes."

Post-adjudication

- o 16-1814. Decree--Probation--Commitment--Medical or remedial treatment.
"(2) Commit the child to jail for correction under reasonable surveillance of an adult for period not in excess of thirty (30) days for any one (1) offense, provided that such incarceration shall be in a place where the child is segregated from adult offenders."

ILLINOIS

Pre-adjudication

- o 37-702-8

"(1) No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 17 years of age must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to criminal law."

Post-adjudication

- o 37-705-10. Commitment to Department of Corrections.
"(2) When the court commits a minor to the Department of Corrections, it shall order him conveyed forthwith to the appropriate reception station or other place designated by the Department of Corrections, and shall appoint the Assistant Director of Corrections, Juvenile Division, legal custodian of the minor."
(The department has separate institutions for juveniles committed to it by the juvenile court.)

INDIANA

Pre-adjudication

- o 16-6-4-6.5

"(b) A child alleged to be a delinquent child under IC 31-6-4-1 (b) (1) may be held in a secure facility but whenever practical, he

shall be detained in a shelter care facility. If he is detained in a secure facility, he must be restricted to an area of that facility in which he has no more than incidental contact with persons charged with, imprisoned for, or incarcerated for crimes."
(31-6-4-1 (b) (1) defines a delinquent as a minor who commits an act which if done by an adult would be a crime.)

Post-adjudication

Delinquents found to have committed a crime according to 31-6-4-1 (b) (1) can be placed in an adult facility by the juvenile court in three circumstances:

o 31-6-4-16

"(g) (3) Award wardship either to the department of correction for housing in any correctional facility for children or to any community-based correctional facility for children."

"(g) (5) Order confinement in a secure facility for children or in the juvenile part of the county jail for not more than ten (10) days; or

(6) If the child is seventeen (17) years six (6) months old or older, order confinement in a secure facility for children or in the county jail for not more than sixty (60) days. ...

(but)

The department of correction may not confine any delinquent child, except as provided in IC 11-10-2-10, at any adult correctional facility or any shelter care facility that houses persons charged with, imprisoned for, or incarcerated for crimes, unless the child is restricted to an area of the facility where the child may have no more than incidental contact with persons charged with, imprisoned for, or incarcerated for crimes.

(and)

(h) Confinement under subdivision (g) (5) may be continuous or intermittent, including confinement at night or on weekends. The juvenile court may not send a child to a detention facility or county jail that fails to meet standards established by law. A child may be confined in jail only if he is restricted to an area of the jail where he has no regular communication or contact with persons charged with or convicted of crimes."

IOWA

Pre-adjudication

- o 232.22. Place of Detention.
"2. A child may be placed in detention as provided in this section only in one of the following facilities:
a. A juvenile detention-home.

b. Any other suitable place designated by the court.

c. A room in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed a delinquent act and if:

(1) The child is at least fourteen years of age; and

(2) The child has shown by his or her conduct, habits, or condition that he or she constitutes an immediate and serious danger to himself or herself or to another, or to the property of another and a facility or place enumerated in paragraph "a" or "b" of this subsection is unavailable, or the court determines that the child's conduct or condition endangers the safety of others in the facility; and

(3) The facility has an adequate staff to supervise and monitor the child's activities at all times; and

(4) The child is confined in a room entirely separated from adults."

Post-adjudication

While there is no statutory language prohibiting commitment to an adult facility the options available for delinquents under 232.52 provide no basis for such a disposition.

KANSAS

Pre-adjudication

o 38-819

"Prior to or during the pendency of a hearing on a petition to declare a child to be a delinquent, miscreant, wayward, or deprived child, or a traffic offender, or truant ... the court may make an order temporarily granting custody of such a child to: ...
(4) a county or city jail in quarters separate from adult prisoners."

Post-adjudication

While there is no statutory language prohibiting commitment to an adult facility the options available under 38-826 provide no basis for such a disposition.

KENTUCKY

Unless otherwise stated the citations listed for Kentucky are from S.B. 309 which was passed during the 1980 session with an effective date of July 1, 1982.

Pre-adjudication

o 3 (34)

" 'Secure detention facility' is a physically secure setting which is entirely separated from sight and sound from all other portions

of the jail containing adult prisoners or a facility operated so as to insure that all entrances and exits are under the exclusive control of the staff."

(The present statute 208.010 (II) reads "physically secure setting which is entirely separated by sight and sound from all other portions of the jail containing adult prisoners.")

- o 82
"No child under sixteen (16) shall at any time be detained in any police station, lockup, jail or prison, except that, on the basis of a hearing for that purpose, by the juvenile court judge, a child whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facility for children, may be placed in a jail or other place of detention for adults, but in a room or ward separate by sight and sound from adult prisoners."
(The present section 208.120 calls for "a room or ward entirely separate from adult prisoners." Sight and sound separation is found in the definition of secure detention facility.)
- o 83 (2)
"When a child is detained for the alleged commission of an offense as provided in Section 4 (1) (a) of this Act and not released, a hearing shall be held as soon as practical, but not to exceed seventy-two (72) hours, exclusive of Sunday, and legal holidays of the commencement of detention."

Post-adjudication

- o 93 (4)
"If it appears to the department that a child committed to it by reason of the commission of a public offense constituting a felony, is incapable of benefiting from treatment by the facilities of the department, the child shall be returned by the department to the circuit court of the county in which the offense was committed, for appropriate proceedings. If the child originally was committed to the department by such circuit court, following a conviction of the felony upon a trial in the circuit court, the court shall commit the child to the state penitentiary for the duration of the sentence fixed by the verdict, allowing credit for such period of time as the child was in custody of the department. Otherwise, the circuit court shall proceed the same as if the child was an adult under arrest on a felony charge, and in the event the child is convicted and sentenced on the felony charge, credit shall be allowed on the sentence for the period of time the child was in the custody of the department."
- o 98 (2)
"Any sentence of incarceration imposed upon the youthful offender shall be served in an institution operated by the department"

LOUISIANA

Pre-adjudication

- o C.J.P. Art. 41. Place of continued custody prior to adjudication.
"A. Following a hearing, the court may order a child alleged to have committed a delinquent act, or alleged to have violated probation for a delinquent act, continued in custody in a juvenile detention center. If such a child is fifteen (15) years of age or older, he may be detained in a police station or jail, if necessary to the safety of other children held in detention. In that event, such a child shall be kept entirely separate from adult offenders."

Post-adjudication

- o C.J.P. Art. 83. Disposition; adjudication of delinquency.
"(6) Commit a child under thirteen (13) years of age adjudged a delinquent for the commission of an act which if committed by an adult would constitute a felony to the custody of the Department of Corrections;
(7) Commit a child found to be mentally defective to a public or private mental institution or an institution for the mentally defective; or
(8) Make such combination of the above dispositions or such other disposition as the court deems to be in the best interest of the child"
- o 15:901 D
"Upon commitment to the Department of Corrections, the child shall be assigned temporarily to the juvenile reception and diagnostic center. After appropriate medical, educational and other appropriate studies of such child, he shall be assigned by the Department of Corrections to a juvenile institution"
(Jail is not listed as an option.)

MAINE

Pre-adjudication

- o 15-3203. Arrested juveniles, release or detention notification.
"A. A juvenile may be detained in a jail or other security facility intended or used primarily for the detention of adults only when the receiving facility:
(1) Contains a separate section for juveniles;
(2) Provides for no regular contact between the juveniles with the adult detainees or inmates; and
(3) Has adequate staff to monitor and supervise the juvenile's activities at all times.
Juveniles detained in the adult receiving facilities shall be placed only in the separate juvenile section.
B. When the jurisdiction of the matter as a juvenile case has been waived and the juvenile has been bound over pursuant to

section 3101, subsection 4, or when the intake worker ... or the judge ... determines ... that the juvenile is beyond the control of the facility's staff, a juvenile may be detained in jail or other secure facility intended or used for the detention of adults only when the conditions described in paragraph A are met by the receiving facility."

Post-adjudication

- o 15-3314
"(1) (H) The court can order a juvenile to a sentence of 30 days which may be served intermittently and which shall be ordered in a county jail designated by the Department of Mental Health and Corrections as a place for the secure detention of juveniles, or in a nonsecure group care home or halfway house."
(State jail standards require sight and sound separation.)

MARYLAND

Pre-adjudication

- o C.J. 3-815
"(d) After January 1, 1978 no child alleged to be a delinquent may be detained in a jail or facility for the detention of adults or in a facility where juveniles adjudicated to be delinquents are held."

Post-adjudication

- o C.J. 3-823. Limitations on place commitment.
"(a) A child may not be detained at, or committed, or transferred to a penal institution or other facility used primarily for the confinement of adults charged with or convicted of a crime, except pursuant to 3-816 (b) ... (c) Unless an individualized treatment plan developed under 3A of Article 59 of the Code indicates otherwise:
(1) A child may not be committed or transferred to any public or private facility or institute unless the child is placed in accommodations that are separate from other persons 18 years of age or older who are confined to that facility or institution; and
(2) The child may not be treated in any group with persons who are 18 years of age or older."
(3-816 (b) refers to transfer cases.)

MASSACHUSETTS

Pre-adjudication

- o 119-67
"The department of youth services shall make inspection at least annually of police stations or town lockups wherein children are detained Nothing in this section shall permit a child between

fourteen and seventeen years of age being detained in a jail or house of correction. A separate and distinct place shall be provided in police stations, town lockups or places of detention for such children."

Post-adjudication

- o 119-58
"The court may commit such delinquent child to the department of youth services, but it shall not commit such child to a jail or house of correction, nor to the Lyman school, the industrial school for boys, or ... girls, nor to any other institution supported ... for ... delinquent or wayward children or juvenile offenders."

MICHIGAN

Pre-adjudication

- o 712A-14
"While awaiting the arrival of the parent or parents, guardian or custodian, no child under the age of 17 years taken into custody under the provisions of this chapter shall be held in any detention facility unless such child be completely isolated so as to prevent any verbal or physical contact with any adult prisoner."
- o 12A.16. Place and time of confinement.
"(1) If a child under the age of 17 years is taken into custody or detained, the child shall not be confined in any police station, prison, jail, lockup, or reformatory, or be transported with, or compelled or permitted to associate or mingle with, criminal or dissolute persons. However, a child 15 years of age or older whose habits or conduct are deemed such as to constitute a menace to other children, or who may not otherwise be safely detained, may, on order of the court, be placed in a jail or other place of detention for adults, but in a room or ward separate from adults, and for a period not to exceed 30 days, unless longer detention is necessary for the service of process.

(2) Provision may be made by the board of supervisors in each county or of counties contracting together for the diagnosis, treatment, care, training, and detention of children in a child care home to be conducted as an agency of the court or county, provided the home or facility meets licensing standards established by the state department of social services. The court or a court approved agency may arrange for the boarding of such children in private homes, subject to the supervision of the court, or may arrange with an incorporated institution or agency approved by the state department of social services to receive for care children within the jurisdiction of the court; or may use a room or ward, separate and apart from adult criminals, in the county jail in cases of children over 17 years of age within the jurisdiction of the court."

Post-adjudication

Prior to 1978 712A.18 (f) permitted jail confinement for 17 - 19 year olds. The revised section 712A.18 "Order of disposition of child" eliminated the option of confinement in jail.

MINNESOTA

Pre-adjudication

- o 260.173. Place of temporary custody; shelter care facility.
"(4) (b) ... a child described in this subdivision may be detained up to 48 hours in a jail, lockup or other facility used for the confinement of adults who have been charged with or convicted of a crime in quarters separate from any adult confined in the facility which has been approved for the detention of juveniles for up to 48 hours by the commissioner of corrections"
(This subdivision only relates to juveniles alleged to have committed crimes.)

Post-adjudication

- o 242.14. Placement in penal institutions prohibited.
"The commissioner of corrections shall not have the power by virtue of any commitment to him by a juvenile court, as authorized by 260.185, to place a child committed to him in a penal institution."

MISSISSIPPI

Pre-adjudication

- o 43-21-315. Designation of facilities.
"(2) Except as otherwise provided in this act, unless jurisdiction is transferred, no child shall be placed in any jail or place of detention of adults by any person or court unless the child shall be physically segregated from other persons not subject to the jurisdiction of the youth court and the physical arrangement of such jail or place of detention of adults prevents such child from having substantial contact with and substantial view of such other persons; but in any event, the child shall not be confined anywhere in the same cell with persons not subject to the jurisdiction of the youth court."

Post-adjudication

While there is no statutory language prohibiting commitment to an adult facility, the options available under 43-21-605 provide no basis for such an order.

MISSOURI

Pre-adjudication

- o 211.331. Detention facilities in counties of class one or two (includes St. Louis).
" ... The child being detained does not come in contact, at any time or in any manner, with adults convicted or under arrest."
(This statutory prohibition is applicable to all other counties pursuant to 211.341.)

Post-adjudication

- o 211.151
"The juvenile court may order a juvenile into
1) a detention home provided by the county
2) a foster home
3) a suitable place of detention maintained by an association.
4) A jail or other facility for the detention of adults, if the child's habits or conduct are such as to constitute a menace to himself or others, and then only if he is placed in a room or ward entirely separate from adults confined therein."

MONTANA

Pre-adjudication

- o 41-5-306. Place of shelter care or detention.
"(2) The youth may be detained in a jail or other facility for the detention of adults only if: (a) the facilities in subsection (1) are not available or do not provide adequate security; (b) the detention is in an area physically and visually separate and removed from those of adults, (c) it appears to the satisfaction of the court that public safety and protection reasonably require detention, and (d) the court so orders."

Post-adjudication

- o 41-5-523. Disposition of delinquent youth and youth in need of supervision.
"(3) No youth may be committed or transferred to a penal institution or other facility used for the execution of sentence of adult persons convicted of crimes except as provided by subsection (2) (b)."
(2) (b) refers to evaluation by the department of institutions in a youth facility.)

NEBRASKA

Pre-adjudication

- o 43-212. Children under fourteen charged with crime; custody; detention; prohibitions; children under sixteen; detention; prohibitions.
"When a child under fourteen years of age is taken into custody the court or magistrate may place such child in the care of the sheriff, police officer or probation officer or other suitable person as the court or magistrate shall direct, who shall keep such child in some suitable place outside of the enclosure of any jail or police station

When any child under the age of sixteen years shall be detained in any institution to which adults are sentenced, it shall be unlawful to permit such child to have verbal, or physical contact with such adults at any time."

Post-adjudication

- o 43-210. Child under sixteen years of age; adjudication; alternatives given to court for disposition of case; child committed to care of Department of Correctional Services, proceedings when child is placed on probation or under supervision of court.
"(2) The court may commit such child to the care and custody of the Department of Correctional Services...."
(Under Chapter 83 "State Institutions" the Department of Correctional Services has a separate division of juvenile services administering the institutions for juvenile delinquents.)

NEVADA

Pre-adjudication

- o 62.170
"3 ... a child under 18 years of age shall not at any time be confined or detained in any police station, lockup, jail or prison, or detained in any place where the child can come into communication with any adult convicted of crime or under arrest and charged with crime; except that where no other detention facility has been designated by the court, until the judge or probation officer can be notified and other arrangement made therefore, the child may be placed in a jail or other place of detention, but in a place entirely separated from adults confined therein."

"5 ... Any child under 18 years of age who is held in the county jail pursuant to the provisions of this subsection shall, where possible, be placed in a cell separate from adults."

Post-adjudication

- o 62.200. Procedure of courts on entry of order.
"(b) Commit the child to the custody or to the guardianship of a public or private institution or agency authorized to care for children, or place him in a family home. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if such institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Nevada girls training center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center."

NEW HAMPSHIRE

Pre-adjudication

- o 169-B:11. Release prior to arraignment.
"III. If the court determines that continued detention is required, based upon the criteria specified under RSA 169-B:14 I, (d) (2), it may order continued detention at a police station, jail or the youth development center; provided, that any minor so detained shall not be placed in a facility in which the minor can come into contact with an adult charged, convicted or committed for a criminal offense."
- o 169-B:15. No detention at jail.
"Following arraignment no minor shall be detained at a jail or police station or other place where he can come in contact with any adult under arrest, charged with a criminal offense or serving sentence under conviction of crime; provided that a minor whose habits or conduct are found likely to promote serious bodily harm to himself or to other minors may by order of the court be detained in a jail or other place of detention for adults but in a separate room or ward provided that services afforded adults be available to the minor and provided that the room or ward not be one used for solitary confinement for adults."

Post-adjudication

While no statutory language prohibits commitment to an adult facility, the options available under 169-B: 19 provide no basis for such an order.

except

- o 169-B:19. Dispositional hearing.
"III. A minor found to be a delinquent after his seventeenth birthday, in addition to or in place of the dispositions provided

for in paragraph I, may be committed to the house of correction or jail for no greater term than an adult could be committed for a like offense; provided, however, that said term may not extend beyond his nineteenth birthday and provided further that during his minority he may not be confined in a house of correction or jail unless he can be separated from adults as provided in RSA 169-B:15."

NEW JERSEY

Pre-adjudication

- o 2A:4-57
"(c) A juvenile, being held for a charge under this act, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility is reasonably available a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crimes for a brief period if such holding is necessary to allow release to his parent, guardian, other suitable person, or approved facility."

Post-adjudication

While no statutory language prohibits commitment to an adult facility, the options available under 2A:4-61 provide no basis for such an order.

NEW MEXICO

Pre-adjudication

- o 32-1-25
"(C) After July 1, 1978, a child alleged to be delinquent may be detained in detention facilities operated by counties, municipalities or combinations thereof, or in licensed group or foster homes, if:
(1) the facility or home has been certified by the department of corrections (corrections division) in accordance with the standards for detention facilities under the Children's Code,
(2) the detention, if in a facility, is in a room totally separate and removed from incarcerated adults, and
(3) adequate supervision is provided."

Post-adjudication

- o 32-1-34. Disposition of adjudicated neglected child, delinquent child or a child in need of supervision.
"D. No child found to be delinquent or in need of supervision shall be committed or transferred to a penal institution or other facility used in the execution of sentences of persons convicted of crimes."

NEW YORK

Pre-adjudication

- o Family court Act 720. Detention.
"1. A facility certified by the state division for youth as a juvenile detention facility must be operated in conformity with the regulations of the state division for youth and shall be subject to the visitation and inspection of the state board of social welfare. No child to whom the provisions of this act may apply, shall be detained in any prison, jail, lockup, or other place used for adults convicted of crime or under arrest and charged with crime without the approval of the state division for youth in the case of each child and the statement of its reasons therefor."

Post-adjudication

While no statutory language prohibits commitment to an adult facility, the options available under Sec. 756 of the Family Court Act provide no basis for such an order.

NORTH CAROLINA

Pre-adjudication

- o 7A-576. Place of secure or nonsecure custody.
"(a) A juvenile meeting the criteria set out in G.S. 7A-574 subsection (a), may be placed in nonsecure custody with the Department of Social Services or a person designated in the order for temporary residential placement in:
(1) A licensed foster home or a home otherwise authorized by law to provide such care or
(2) A facility operated by the Department of Social Services or
(3) Any other home or facility approved by the court and designated in the order.
(b) A juvenile meeting the criteria set out in G.S. 7A-574 (b) may be temporarily detained in an approved county detention home or a regional detention facility which shall be separate from any jail, lockup, prison, or other adult penal institution. It shall be unlawful for a county or any unit of government to operate a juvenile detention home unless the facility meets the standards promulgated by the Department of Human Resources.
(c) Until July 1, 1983, if no juvenile detention home is available, a juvenile meeting the criteria set out in G.S. 7A-574 (b) may be detained in a holdover facility which shall be inspected pursuant to G.S. 108-79 through 108-81, and G.S. 108-81, and G.S. 153A-222, and shall meet the State standards provided for in G.S. 153A-221.
(d) Subsection (c) expires on June 30, 1983."

- o 7A-577. Hearing to determine need for continued secure or nonsecure custody.
"(1) No juvenile shall be held under a custody order for more than five calendar days without a hearing on the merits or a hearing to determine the need for continued custody."
- o 134A-2. Definitions.
"(7) Holdover facility means a place in a jail approved by the Department of Human Resources for detention of a child for not more than five calendar days prior to placement in an approved detention home."

Post-adjudication

While no statutory language prohibits commitment to an adult facility, the options available under 7A-649 provide no basis for such an order.

NORTH DAKOTA

Pre-adjudication

- o 27-20-16. Place of detention.
"1. A child alleged to be delinquent or unruly may be detained only in: ... d. Any other suitable place or facility designated or operated by the court. The child may be detained in a jail or other facility for the detention of adults only if the facility in subdivision (c) is not available, the detention is in a room separate and removed from those for adults, it appears to the satisfaction of the court or the juvenile supervisor that public safety and protection reasonably require detention, and it is so ordered."

Post-adjudication

- o 27-20-31. Disposition of delinquent child.
"3. Placing the child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority; or
4. Committing the child to the state industrial school or to a state department to which commitment of delinquent or unruly children may be made."

OHIO

Pre-adjudication

- o 2151.312. Place of detention.
"A) A child alleged to be delinquent, unruly, or a juvenile traffic offender may be detained only in the following places:
1) A certified foster home or a home approved by the court;

- 2) A facility operated by a certified child welfare agency;
- 3) A detention home or center for delinquent children which is under the direction or supervision of the court or other public authority or of a private agency and approved by the court;
- 4) Any other suitable place designated by the court.
A child may be detained in jail or other facility for detention of adults only if the facility in division (A) (3) of this section is not available and the detention is in a room separate and removed from those for adults. The court may order that a child over the age of fifteen years be detained in a jail in a room separate and removed from adults if public safety and protection reasonably require such detention."

- o 2151.34. Treatment of children in custody; detention home.
"No child under eighteen years of age shall be placed in or committed to any prison, jail, or lockup, nor shall such child be brought into any police station, vehicle, or other place where the child can come in contact or communication with any adult convicted of crime or under arrest and charged with crime."
- o Rules of Juvenile Procedure. Rule 7
"(H) Separation from adults. No child shall be placed in or committed to any prison, jail, lockup or any other place where he can come in contact or communication with any adult convicted of crime, under arrest or charged with crime.
A child may be detained in jail or other facility for detention of adults only if the child is alleged to be delinquent, there is no detention center for delinquent children under the supervision of the court or other agency approved by the court, and the detention is in a room separate and removed from those for adults. The court may order that a child over the age of fifteen years who is alleged to be delinquent be detained in a jail in a room separate and removed from adults if public safety or protection of the child or others reasonably requires such detention.
A child alleged to be neglected or dependent shall not be detained in jail or other facility intended or used for detention of adults charged with criminal offenses or of children alleged to be delinquent unless upon order of the court."

Post-adjudication

- o 2151.355. Disposition of delinquent child.
"(A) If a child is found by the court to be a delinquent child, the court may make any of the following orders of disposition:
(1) Any order that is authorized by section 2151.353 of the Revised Code;
(2) Place the child on probation under any conditions that the court prescribes;
(3) Commit the child to the temporary custody of any school, camp, institution, or other facility for delinquent children operated for the care of delinquent children by the county, by a district organized under section 2151.34 or 2151.65 of the Revised Code, or by a private agency or organization, within or without

the state, that is authorized and qualified to provide the care, treatment, or placement required;

(4) Commit the child to the legal custody of the Ohio youth commission;

(5) Commit a child sixteen years of age or over who has committed an act that if committed by an adult would be a felony to a maximum security institution operated by the Ohio youth commission for the training and rehabilitation of such delinquent children"

OKLAHOMA

Pre-adjudication

- o 10-1116
"(e) No child charged in a state or municipal court with a violation of state or municipal traffic laws or ordinances, or convicted therefor, may be incarcerated in jail for any said violation unless the charge for which the arrest was made would constitute a felony if the child were an adult; provided, that nothing contained in the above section prohibits the detention of a juvenile for traffic-related offenses prior to the filing of a petition in the district court alleging delinquency as a result of said acts."
- o 10-1107
"(c) No child under the age of sixteen (16) years shall be confined in any police station, prison, jail or lockup, or be transported or detained in association with criminal, vicious or dissolute persons; except that a child twelve (12) years of age or older may, with the consent of the judge or director, be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adults. Provided, however, if the court designated detention or shelter facility has no available space or if the court has not designated a detention or shelter facility, any child fifteen (15) years of age or older may be confined in any jail or other place of detention for adults, but in a room or ward entirely separate from adults, for a period of time not to exceed seventy-two (72) hours unless said time is extended by order of the court."

Post-adjudication

While there is no statutory language explicitly prohibiting the commitment of children to adult facilities, the sections outlining the permissible dispositions (10-1116 and 10-1138) provide no basis for such a disposition.

OREGON

Pre-adjudication

- o 419.575. Place of detention or shelter care while child in temporary custody.
"(2) No child shall at any time be detained in a police station, jail, prison or other place where adults are detained, except as follows:
(a) A child may be detained in a police station for such period, not exceeding three hours, as may be necessary to obtain the child's name, age, residence and other identifying information.
(b) A child remanded to the court handling criminal actions or to municipal court may be detained in a jail or other place where adults are detained.
(c) Where a suitable children's detention facility is available, on order of the court a child 16 years of age or older may nevertheless be placed in a jail or other adult detention facility if the child's conduct or condition is such as to endanger his safety or welfare or that of others in the children's detention facility.
(d) Where a suitable children's detention facility is not available, a child 14 years of age or older may be placed in an adult detention facility.
(3) Except for a child detained in jail pursuant to a remand to the court handling criminal actions or to a municipal court, children detained in jail as provided in subsection (2) of this section shall be placed in a room or ward screened from the sight and sound of adults being detained therein."

Post-adjudication

- o 419.507
"(2) (b) No child placed in the legal custody of the Children's Services Division shall be placed in the Oregon State Penitentiary or the Oregon State Correctional Institution or the Oregon Women's Correctional Center."

PENNSYLVANIA

Pre-adjudication

- o 6327. Place of detention.
"(a) General rule.--A child alleged to be delinquent may be detained only in:
(1) A licensed foster home or a home approved by the court.
(2) A facility operated by a licensed child welfare agency or one approved by the court.
(3) A detention home, camp, center or other facility for delinquent children which is under the direction or supervision of the court or other public authority or private agency, and is approved by the Department of Welfare.

(4) Any other suitable place or facility, designated or operated by the court and approved by the Department of Public Welfare. Under no circumstances shall a child be detained in any facility with adults, or where the child is apt to be abused by other children."

- o 6327. Place of detention.
"(b) Report by correctional officer of receipt of child.--The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crimes shall inform the court immediately if a person who is or appears to be under the age of 18 years is received at the facility and shall bring him before the court upon request or deliver him to a detention or shelter care facility designated by the court.
(c) Detention in jail prohibited.--It is unlawful for any person in charge of or employed by a jail knowingly to receive for detention or to detain in the jail any person whom he has or should have reason to believe is a child."

Post-adjudication

- o 6352. Disposition of delinquent child.
"(b) Limitation on place of commitment.--A child shall not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of adults convicted of a crime."

RHODE ISLAND

Pre-adjudication

- o 14-1-26. Separation from adult offenders.
"In case a delinquent or wayward child is taken into custody or detained before or after the filing of a petition, or pending a hearing thereon, such child shall not be confined in any prison, jail, lockup or reformatory, or be transported with, or compelled or permitted to associate or mingle with, criminal, vicious or dissolute persons, but such child shall be kept under the care of the person arresting such child, or of a police matron as herein provided, until by order of the court other disposition is made of the child as provided in this chapter; and if such child is ordered to be detained, or confined in any of the institutions mentioned in this chapter, such child shall not be conveyed to or from such institution with adult offenders."
- o 14-1-23. Place of detention of juveniles.
"The board of police commissioners ... may provide and maintain in their respective city or town, a suitable place or places not directly connected with any jail or lockup"

Post-adjudication

While there is no statutory language explicitly prohibiting commitment of juveniles to an adult facility 14-1-36 "Commitment of delinquent and wayward children" only provides for placement in an institution for juveniles.

SOUTH CAROLINA

Pre-adjudication

- o 14-21-590
"(c) No child shall be transported in any police vehicle which also contains adults under arrest. No child shall at any time be placed in a jail or other place of detention for adults, but shall be placed in a room or ward entirely separate from adults."
- o 43-17-70
"Under 18 ... the child shall not be incarcerated in the same room with adult criminals but in a separate room of detention, and when the county or municipal authorities have made suitable provisions therefor, such room shall be outside the jail or guardhouse. Separate accommodations shall be provided for boys and girls."
(43-17 deals with destitute, delinquent and neglected children.)

Post-adjudication

While no statutory language prohibits court commitment to an adult facility, the options available under 14-21-620 provide no basis for such an order.

- o 24-3-100. ^{but} Transfer of inmates from South Carolina School for Boys or John G. Richards School for Boys to Department of Corrections.
"(1) The superintendent of the South Carolina School for Boys or the superintendent of the John G. Richards School for Boys may transfer any boy committed to his institution to the Department of Corrections when he deems the transfer to be in the best interest of the individual or of the public. The Commissioner of the Department of Corrections shall be responsible for the custody of any boy so transferred and he shall have the right to reject or reassign to another unit of the penal system or to remove any boy so transferred whom he deems unsuited for the Youth Correction Center. The Board of Corrections may promulgate such rules and regulations as may be necessary or expedient for the keeping, discipline, employment and instruction of inmates transferred. The authorities of the South Carolina School for Boys or the John G. Richards School for Boys shall retain all other control over any boy so transferred just as

though no transfer had been made except that any boy who is in the custody of the Department of Corrections shall be subject to its rules and regulations.

(2) For each transferee, the Department of Corrections may assess the transferring institution the per day cost for maintenance of its inmates."

SOUTH DAKOTA

Pre-adjudication

- o 26-8-26. Detention facilities maintained by large counties. "... population of fifty thousand or over ... maintain at public expense a detention room or home of detention, separated from any jail or lockup, to be in charge of a matron or other person of good moral character, wherein all children coming within the provisions of this chapter shall, when necessary, be incarcerated."
- o 26-8-27. Intercounty contracts for use of detention facilities. "Where the board has provided and maintains such detention room or home of detention under 26-8-26, it is authorized to contract with the board of other counties of the state to receive the children of such other county who may be ordered to be incarcerated in a detention room or house of detention under the provisions of this chapter and fix the charges therefor to be paid by such other county, and thereafter to receive therein such children according to the terms and conditions stipulated in such contract."
- o 26-8-28. County provision for child care and detention pending disposition of proceedings. "In counties having a population of thirty thousand or over, the board of county commissioners shall make arrangements and provision, by contract or otherwise, for the care and detention of children against whom a petition has been filed, pending the final disposition of such children under orders of the court, and in counties having a population of less than thirty thousand, the board may make such arrangements and provision."

Post-adjudication

- o 26-8-29. Incarceration of child under fifteen in common jail or lockup prohibited - Commitment of child to sheriff, police or probation officer for care pending proceedings. "No child within the provisions of this chapter, under fifteen years of age shall under any circumstances be incarcerated in

any common jail or lockup, and no court or magistrate shall commit a child under fifteen years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer, or probation officer, who shall keep such child in some suitable place provided by the city or county outside of any enclosure of any jail or police station"

TENNESSEE

Pre-adjudication

- o 37-216. Place of detention. "(a) A child alleged to be delinquent or unruly may be detained only in:
 - (1) A licensed foster home or a home approved by the court;
 - (2) A facility operated by a licensed child welfare agency;
 - (3) A detention home or center for delinquent children which is under the direction or supervision of the court or other public authority or of a private agency approved by the court; or
 - (4) Any other suitable place or facility designated or operated by the court. The child may be detained in a jail or other facility for the detention of adults only if other facilities in paragraph (3) above are not available, the detention is in a room separate and removed from those for adults, it appears to the satisfaction of the court that public safety and protection reasonably require detention, and it so orders.(b) The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately if a person who is or appears to be under the age of eighteen (18) years is received at the facility and shall bring him before the court upon request or deliver him to a detention or shelter care facility designated by the court. (c) If a case is transferred to another court for criminal prosecution the child may be transferred to the appropriate officer or detention facility in accordance with the law governing the detention of persons charged with crime."

Post-adjudication

- o 37-231. Delinquent child - Disposition. "If the child is found to be a delinquent child the court may make any of the following orders of disposition best suited to his treatment, rehabilitation, and welfare:
 - (1) Any order authorized by 37-230 for the disposition of a dependent or neglected child;
 - (2) Placing the child on probation under the supervision of the probation officer of the court or the state division of juvenile probation, or any person, persons or agencies designated by the court of another state as provided in 37-242 under conditions and limitations the court prescribes;

- (3) Placing the child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority;
- (4) Committing the child to the state department of correction;
- (5) Assessing a fine not to exceed fifty dollars (\$50.00) for each offense which constitutes a violation of a state law or municipal ordinance; or
- (6) Committing the child to the custody of the county department of children's services in those counties having such a department."

TEXAS

Pre-adjudication

- o Family Code 51.12. Place and conditions of detention.
 - "(a) Except after transfer to criminal court for prosecution under Section 54.02 of this code, a child shall not be detained in or committed to a compartment of a jail or lockup in which adults arrested for, charged with, or convicted of crime are detained or committed, nor be permitted contact with such persons.
 - (b) The proper authorities in each county shall provide a suitable place of detention for children who are parties to proceedings under this title, but the juvenile court shall control the conditions and terms of detention and detention supervision and shall permit visitation with the child at all reasonable times.
 - (c) In each county, the judge of the juvenile court and the members of the juvenile board, if there is one, shall personally inspect the detention facilities at least annually and shall certify in writing to the authorities responsible for operating and giving financial support to the facilities that they are suitable or unsuitable for the detention of children in accordance with:
 - (1) the requirements of Subsection (a) of this section;
 - (2) the requirements of Article 5115, Revised Civil Statutes of Texas, 1925, as amended, defining 'safe and suitable jails,' if the detention facility is a county jail; and
 - (d) No child shall be placed in a facility that has not been certified under Subsection (c) of this section as suitable for the detention of children. A child detained in a facility that has not been certified under Subsection (c) of this section as suitable for the detention of children shall be entitled to immediate release from custody in that facility.
 - (e) If there is no certified place of detention in the county in which the petition is filed, the designated place of detention may be in another county."

(This statute, as interpreted by Vest vs. Lubbock County Com'rs Court (D.C. 1977) 444 F. Supp. 824, only requires physical separation, not sound separation.)
- o Revised Civil Statutes. Article 5115. Jails provided.

"The term 'safe and suitable jails' as used in this Act, shall be construed to mean jails which provide adequate segregation facilities by having separate enclosures formed by solid masonry or solid metal walls, or solid walls of other comparable

materials, separating witnesses from all classifications of prisoners; and males from females; and juvenile from adults...."

Post-adjudication

- o 51.13. Family Code - Effect of Adjudication or Disposition.
 - "(a) A child may not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences or persons convicted of a crime except;
 - (1) for temporary detention in a jail or lockup pending juvenile court hearing or disposition under conditions meeting the requirements of Section 51.12 of this code; or
 - (2) after transfer for prosecution in criminal court under Section 54.02 of this code."

UTAH

Pre-adjudication

- o 78-3a-30
 - "(3) No child under the age of 16 may be confined in a jail, lockup or other place for adult detention. The provisions of section 55-10-49 remain in full force and effect."
- o 55-10-49 redesignated as 55-11a-1.
 - "Children under the age of sixteen years ... shall not be confined in the jails, lockups or police cells used for ordinary criminals or persons charged with crimes nor shall they be confined in the state youth development center.
 - but
- o 78-3A-30
 - "A child 16 years of age or older whose conduct or condition endangers the safety or welfare of others in the detention facility for children may, on order of the court which shall specify the reasons therefor, be detained in another place of confinement considered appropriate by the court, including a jail or other place of confinement for adults. However, the state youth development center shall not be deemed to be an appropriate place of confinement for detention purposes pursuant to this section."

Post-adjudication

While there is no statutory language prohibiting commitment to an adult facility, the options available under 78-3A-39 provide no basis for such an order.

VERMONT

Pre-adjudication

- o 33-642. Detention. Temporary shelter care or detention prior to hearing.
"6. (c) A child shall not be detained under this section in a jail or other facility intended or used for the detention of adults unless the child is alleged to have committed a crime punishable by death or life imprisonment, and it appears to the satisfaction of the court that public safety and protection reasonably require such detention.

(d) The official in charge of a jail or other facility intended or used for the detention of adult offenders or persons charged with crime shall inform the court immediately when a child, who is or appears to be under the age of sixteen years, is received at the facility other than pursuant to subsection (C) of this section, and shall deliver him to the court upon request of the court, or transfer him to the detention facility designated by the court by order."

Post-adjudication

- o 662. Order of adjudication, noncriminal.
"(b) A child, by virtue of any such order, shall not be detained, committed or transferred to an institution or other facility used primarily for the execution of sentences of persons convicted of a crime."

VIRGINIA

Pre-adjudication

- o 16.1-249
"(B) A delinquent child or a child alleged to be delinquent who is fifteen years of age or older may be detained in a jail or other facility for the detention of adults provided (i) the detention is in a room or ward entirely separate and removed from adults (ii) adequate supervision is provided and (iii) the facility is approved by the Department (of Corrections) for the detention of children."
- o 16.1-247. Runaways or juveniles beyond adult supervision are to be returned home or to adult or in shelter care.
"(1) During the period of detention authorized by this subsection no child shall be confined in any jail or facility for the detention of adults."

Post-adjudication

- o 16.1-279. Disposition.
(E) If a child is found to be delinquent.
"10. Commit the child to the State Board of Corrections, provided, however, no child ten years of age and under shall be committed to the State Board."
- o 16.1-284. When child fifteen years of age or older may be sentenced as adult.
"If a child fifteen years of age or older is charged with an offense which if committed by an adult would be a misdemeanor or a felony and the court after receipt of a social history compiled pursuant to 16.1-273 for this case or a prior case which was adjudicated within twelve months from the adjudication in this case finds that (i) such child is not, in the opinion of the court, amenable to treatment or rehabilitation as a juvenile through available facilities, considering such factors as the nature of the present offense or the nature of the child's prior delinquency record, the nature of the past treatment efforts and the nature of the child's response to past treatment efforts and (ii) the interests of the community require that the child be placed under legal restraint or discipline, then the court may, in such cases, impose the penalties which are authorized to be imposed on adults for such violations, not to exceed twelve months in jail for a single offense or multiple offenses and subject to the provisions of 16.1-249B (i) and (ii) and (iii). Provided, however, no child who is found guilty of an offense which would be a misdemeanor if committed by an adult shall be confined pursuant to this section for a longer period of time than is authorized for an adult in 18.2-11 of the Code."
(The court decided in Hailey vs. Dorsey, 580 F.2d 112 (4th Cir. 1978) that a juvenile is not immune from incarceration in jail.)

WASHINGTON

Pre- and Post-adjudication

- o 13.04.115. Child not to be detained in jail or confined with adult convicts.
"No court or magistrate shall commit a child under sixteen years of age to a jail, common lockup, or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer, or probation officer, who shall keep such child in some suitable place or house or school of detention provided by the city or county, outside the enclosure of any jail or police station or in care of any association willing to receive it and having as one of its objects the care of delinquent, dependent or neglected children. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such convicts, or to bring such child in the same building with such adult convicts, or to bring such child into any yard or building in which such adult convicts may be present."

WEST VIRGINIA

Pre-and Post-adjudication

- o 49-5-16
"(a) A child under eighteen years of age shall not be committed to a jail or police station, except that any child over fourteen years of age who has been committed to an industrial home or correctional institution may be held in the juvenile department of a jail while awaiting transportation to the institution for a period of not to exceed ninety-six hours, and a child over fourteen years of age who is charged with a crime which would be a violent felony if committed by an adult, may, upon an order of the circuit court, be housed in a juvenile portion of a county facility, but not within sight of adult prisoners.
(b) No child who has been convicted of an offense under the adult jurisdiction of the circuit court shall be held in custody in a penitentiary of the State"

WISCONSIN

Pre-adjudication

- o 48.209. Criteria for holding a child in a county jail.
"Subject to the provisions of s.48.208, a county jail may be used as a secure detention facility if the criteria under either sub. (1) or (2) are met:
(1) There is no other secure detention facility approved by the department or a county which is available and:
(a) The jail meets the standards for secure detention facilities established by the department;
(b) The child is held in a room separated and removed from incarcerated adults;
(c) The child is not held in a cell designed for the administrative or disciplinary segregation of adults;
(d) Adequate supervision is provided; and
(e) The judge reviews the status of the child every 3 days.
(2) The child presents a substantial risk of physical harm to other persons in the secure detention facility, as evidenced by previous acts or attempts, which can only be avoided by transfer to the jail. The provisions of sub (1) (a) to (e) shall be met. The child shall be given a hearing and transferred only upon order of the judge.
(3) The restrictions of this section do not apply to the use of jail for a child waived to adult court."

Post-adjudication

- o 48.34. Disposition of child adjudged delinquent.
"(4m) Transfer legal custody to the subunit of the department administering corrections for placement in a secured correctional facility, but only if:
(a) The child has been found to be delinquent for the commission

of an act which if committed by an adult would be punishable by a sentence of 6 months or more; and
(b) The child has been found to be a danger to the public and to be in need of restrictive custodial treatment."

WYOMING

Pre-adjudication

- o 14-6-207. Same; delivery of child pending hearing; placing of neglected.
"(c) A child alleged to be delinquent or in need of supervision shall if necessary be detained in a separate detention home or facility for delinquent or unruly children. If separate child detention facilities are not available the child may be detained in the county jail provided he is kept separate from adults being detained therein and adequate supervision is provided to assure his safety and welfare."

Post-adjudication

- o 14-6-229
(c) (ii) As a dispositional alternative for a delinquent or a child found to be in need of supervision of the court, the court may order the child "to confinement in the county jail or other restrictive facility the court may designate for not more than ten (10) days segregated from adult prisoners."

CHILDREN IN JAILS: A REVIEW OF STATE STATUTES

Explanation of Terms Used in the Chart

1. A YES means the state statutes require some type of separation between juveniles and adults in adult correctional facilities. This does not necessarily mean statutory compliance with the current OJDP standard of sight and sound separation.
2. PRE is shorthand for pre-adjudication. This term refers to the period from a juvenile being taken into custody by the police to the ordering of a disposition by the court. POST refers to post-adjudication. This period begins at the point at which the juvenile is subject to a court disposition until she/he is no longer under the jurisdiction of the court.

ADDENDUM

On the chart, Children in Jails: A Review of State Statutes, Pennsylvania was left off. The answers for Pennsylvania:
 PRE YES Total prohibition
 POST YES Total prohibition

CHILDREN IN JAILS: A REVIEW OF STATE STATUTES

STATE	YES/NO	TYPE OF SEPARATION	EXCEPTION/EXPLANATION
ALABAMA			
PRE	YES	Room separate and removed from all contact	
POST	YES		No explicit prohibition
ALASKA			
PRE	YES	Sight and sound separation	
POST	YES		No explicit prohibition
ARIZONA			
PRE	YES	Physical separation	
POST	YES	Physical separation	
ARKANSAS			
PRE	YES	No regular contact	
POST	YES	No regular contact	
CALIFORNIA			
PRE	YES	No regular contact	
POST	YES	No regular contact	Youth Authority substantially separates juveniles and adults in its facilities.
COLORADO			
PRE (Under 14)	YES	Total prohibition	
(14-16)	YES	Detained separately	
(16-18)	NO		
POST	YES	Total prohibition	
CONNECTICUT			
PRE	YES	Total prohibition	
POST	NO		Court may transfer a youth 14 or over who is a danger to himself or others to a correctional institution.
DELAWARE			
PRE	Unclear language		
POST	YES		The Department of Corrections has separate custodial and training facilities for youthful offenders.
FLORIDA			
PRE	YES	Total prohibition	
POST	YES	Total prohibition	
GEORGIA			
PRE	YES	Physical separation	
POST	YES	Total prohibition	
HAWAII			
PRE	NO		Court may order a juvenile whose conduct endangers his own safety to a jail.
POST	YES	Total prohibition	
IDAHO			
PRE	YES	Sight and sound separation	
POST	YES	Segregated from adults	Court can commit a juvenile to jail for 30 days.
ILLINOIS			
PRE (Under 16)	YES	Total prohibition	
(Under 17)	YES	Physical separation	
POST	YES	Total prohibition	Juvenile is committed to the Department of Corrections which has a separate juvenile division.
INDIANA			
PRE	YES	No more than incidental contact	
POST	YES	No more than incidental contact	Court can commit any juvenile to a jail for 10 days and can order a juvenile 17 years 6 months old to a jail for 60 days.
IOWA			
PRE (Under 14)	YES	Total prohibition	
(14 and older)	YES	Entirely separate	Court may order a juvenile who is a danger to others to be detained in a jail.
POST	YES		No explicit prohibition
KANSAS			
PRE	YES	Physical separation	
POST	YES		No explicit prohibition
KENTUCKY			
PRE (Under 16)	YES	Sight and sound separation	Court may jail a juvenile upon finding that the juvenile is a danger to himself or others in the juvenile detention facility.
(16 and older)	YES	Sight and sound separation	
POST	NO		The court may commit a juvenile placed with the department on a felony charge to the state penitentiary if the department holds the juvenile will not benefit from its facilities.
LOUISIANA			
PRE (Under 15)	YES	Total prohibition	
(15 and older)	YES	Entirely separate	Court may order a juvenile who is a danger to the safety of other juveniles in detention to be detained in a jail.
POST	YES		No explicit prohibition

STATE	YES/NO	TYPE OF SEPARATION	EXCEPTION/EXPLANATION
MAINE			
PRE	YES	No regular contact	Intake worker and/or the court can jail a juvenile who is found to be beyond the control of the detention facility staff.
POST	YES	Sight and sound separation (administrative jail standards)	Court can sentence juvenile to 30 days in a jail.
MARYLAND			
PRE	YES	Total prohibition	
POST	YES	No contact with adults	Court may order commitment to a penal institution based upon an individualized treatment plan.
MASSACHUSETTS			
PRE	YES	Separate distinct place	
POST	YES	Total prohibition	
MICHIGAN			
PRE (Under 15)	YES	Total prohibition	
(15 and older)	YES	Sight and sound separation	Court may order a juvenile who is a menace to other children or cannot be safely detained to be placed in a jail.
POST	YES	Total prohibition	Statutes eliminated jail commitment as a juvenile disposition.
MINNESOTA			
PRE	YES	Physical separation	
POST	YES	Total prohibition	
MISSISSIPPI			
PRE	YES	Physical separation and lack of substantial view	
POST	YES		No explicit prohibition
MISSOURI			
PRE	YES	No contact	
POST	YES	Room or ward entirely separate	Court may commit a juvenile to a jail if his habits constitute a menace to himself or others.
MONTANA			
PRE	YES	Sight and sound separation	
POST	YES	Total prohibition	
NEBRASKA			
PRE (Under 14)	YES	Total prohibition	
(14 and 15)	YES	Sight and sound separation	
(16 and older)	NO		
POST (Under 16)	YES	Total prohibition	
(Over 16)	NO		
NEVADA			
PRE	YES	Place entirely separate/separate cell	
POST	YES		No explicit prohibition
NEW HAMPSHIRE			
PRE (pre-arraignment)	YES	No contact	
(post-arraignment)	YES	Physical separation/separate room or ward. Prohibition on using solitary confinement cell.	Court may order a juvenile whose conduct or habits are likely to promote serious bodily harm to self or others to be detained in a jail.
POST	YES	Physical separation/separate room or ward. Prohibition on using solitary confinement cell.	Court may commit a juvenile who is at least 17 to a jail for a term no greater than that which an adult could receive for the same crime.
NEW JERSEY			
PRE	YES	Apart from adults	
POST	YES		No explicit prohibition
NEW MEXICO			
PRE	YES	Totally separate and removed	
POST	YES	Total prohibition	
NEW YORK			
PRE	NO		Division for Youth must approve the detention of a juvenile in a jail.
POST	YES		No explicit prohibition
NORTH CAROLINA			
PRE (Until 7/1/83)	YES	Totally separate from adult facility	
(After 7/1/83)	YES	Total prohibition	
POST	YES		No explicit prohibition
NORTH DAKOTA			
PRE	YES	Room separate and entirely removed	Court or juvenile supervisor must hold that public safety requires the juvenile's detention and no juvenile detention facility is available.
POST	YES		No explicit prohibition

STATE	YES/NO	TYPE OF SEPARATION	EXCEPTIONS/EXPLANATIONS
OHIO			
PRE	YES	Room separate and removed/sight and sound	Court may order juvenile over 15 detained in jail if public safety requires such detention.
POST	YES		No explicit prohibition
OKLAHOMA			
PRE (Over 12)	YES	Room or ward entirely separate	If the detention or shelter facility has no space
(Over 15)	YES	Room or ward entirely separate	If the court has not designated a detention or shelter facility
POST	YES		No explicit prohibition
OREGON			
PRE (Over 14)	YES	Sight and sound separation	If a suitable juvenile detention facility is not available
(Over 16)	YES	Sight and sound separation	Court may order a juvenile whose conduct or condition endangers his welfare or others in the detention facility to be detained in a jail.
POST	YES	Total prohibition	
RHODE ISLAND			
PRE	YES	Not directly connected with any jail	
POST	YES		No explicit prohibition
SOUTH CAROLINA			
PRE	YES	Physical separation/room or ward entirely separate	
POST	NO		Superintendents of the two schools for boys may transfer juveniles to Board of Corrections for placement in a penal institution.
SOUTH DAKOTA			
PRE	YES	Physical separation/room separate from a jail	
POST (Under 15)	YES	Total prohibition	
(Over 15)	NO		
TENNESSEE			
PRE	YES	Separate and removed	Upon court order that public safety requires such detention
POST	YES		
TEXAS			
PRE	YES	Physical separation	
POST	YES	Total prohibition	
UTAH			
PRE (Under 16)	YES	Total prohibition	The juvenile can be detained in a jail upon a court finding that the juvenile's conduct or condition endangers the welfare of others in the juvenile detention facility.
(Over 16)	NO		
POST	YES		No explicit prohibition
VERMONT			
PRE	YES	Total prohibition	A juvenile charged with a crime punishable by death or life imprisonment may be detained in a jail upon a court finding that public safety demands such detention.
POST	YES	Total prohibition	
VIRGINIA			
PRE (Under 15)	YES	Total prohibition	
(Over 15)	YES	Room or ward entirely separate and removed	
POST (Under 10)	YES	Total prohibition	
(Over 10)	YES	Total prohibition	State Board of Corrections has established separate juvenile institutions.
(Over 15)	NO		The court may sentence a juvenile to an adult facility upon a finding that the juvenile is not amenable to treatment.
WASHINGTON			
PRE	YES	Separate building	
POST	YES	Separate building	
WEST VIRGINIA			
PRE (Under 14)	YES	Total prohibition	
(Over 14)	YES	Juvenile portion of a jail not within sight of adults	Court may order only 14 year olds charged with violent felonies to be detained in jail.
POST	YES	Total prohibition	A juvenile at least 14 who is committed to an industrial home or correctional institution may be placed in a jail for 96 hours awaiting transportation.
WISCONSIN			
PRE	YES	Room separate and removed/room not used for administrative or disciplinary segregation	Court may order a juvenile who is a risk to others in the detention facility, based on previous acts, to be detained in a jail.
POST	UNCLEAR		
WYOMING			
PRE	YES	Separate	
POST	YES	Segregated from adults	Court may commit a juvenile to a jail for 10 days.

END