


# THE LAW OF JUVENILE HALLS

## KEY GUIDEPOSTS FOR REFORM:

- ✦ California law does not require that counties operate juvenile halls as they currently exist around the state. While there are requirements for counties to maintain a “place of detention” for youth, such a place need not replicate the security hardware or cell-based confinement that is typically associated with adult jail facilities. In fact, the law requires just the opposite. A county’s place for youth detention must be a safe and supportive homelike environment.
- ✦ A county must provide for a “suitable house or place” for the detention of youth. This place is designated for youth who come into detention either through child welfare or through arrest, and can include both youth who are already under the jurisdiction of the dependency or delinquency court, and youth who have pending allegations that they belong under court jurisdiction (but have not yet had the charges adjudicated in court). The “house or place” for youth detention cannot be connected to any adult jail or prison, and it cannot be deemed or treated as a penal institution.
- ✦ A county’s “place of detention” serves as its “juvenile hall,” and may be used by both Probation and the court for detention of youth who have been brought into custody for a delinquent act (i.e. “criminal offense”). However, the law presumes that arrested youth should be released, not detained, and only allows detention when certain factors are present. If either Probation or the court makes a decision to detain a youth, the law allows for options other than the county’s “place of detention” for the detention of that youth.
- ✦ The county must maintain a place of detention at the county’s expense. The place of detention is under the management and control of the county’s probation officer, and its location must be approved by the presiding judge of the county’s juvenile court. Alternatively, a county may operate a place of detention jointly with another county or counties.
- ✦ If a county does not have a place of detention within the county, or if its place of detention is deemed unsuitable or unfit, the court may order a youth to be detained in another county’s place of detention for up to 60 days, subject to certain requirements.

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- ✦ A place of detention may be secure or nonsecure. In a secure place of detention, entrances and exits are under the exclusive control of staff. A secure place of detention does not have to rely on locked rooms, buildings, fences or physical restraints to control the behavior of its residents, and it may allow freedom of movement within the building.
  - ✦ A nonsecure place of detention does not have physically restraining characteristics. Residents in a nonsecure place of detention can access the surrounding community with minimal supervision, but some reasonable restrictions may be imposed. Probation is authorized under the law to operate or contract for nonsecure facilities as a place of detention for youth involved in the delinquency system.
  - ✦ The California Board of State and Community Corrections (BSCC) sets the minimum standards for the operation and maintenance of juvenile facilities. Juvenile halls must comply with these standards, but counties may apply to establish pilot projects or alternate means of compliance. Counties can also operate “special purpose juvenile halls” that are exempted from some of the minimum standards requirements.
  - ✦ The minimum standards set by the BSCC for juvenile facilities impose certain requirements, including requirements for education, health, nutrition, and hygiene. The standards also require consideration of the “least restrictive environment” for confined youth.
  - ✦ The California Building Standards Code also includes regulations that apply to juvenile facilities. While these regulations require a secure perimeter for such facilities, they do not specify that living spaces within the facility must be locked.
  - ✦ Under both state law and regulation, youth have rights related to their treatment while being held in a place of detention. These rights are in addition to federally-protected rights, including constitutional rights and right protected by the Americans with Disabilities Act.

*For more information:*  
[yjc.org/navigate-juvenile-justice-law](https://yjc.org/navigate-juvenile-justice-law)

