

“Sight and Sound Separation” for Adult and Juvenile Populations in Local Juvenile Detention Facilities

Assembly Bill 134, (Chapter 47, Statutes of 2023) added Welfare and Institutions Code (WIC) section 208.55, which clarifies when a juvenile must be sight and sound separated from an incarcerated adult in juvenile detention facilities.

For the purpose of sight/sound separation only, WIC 208.55 defines the following terms:

Juvenile means a person who meets ANY of the following criteria:

- A person under 18 years of age,
- A person under the maximum age of juvenile court jurisdiction who is not currently an **incarcerated adult** as defined by this section, OR
- A person whose case originated in the juvenile court and is subject to Section 208.5 (i.e., juvenile court case transferred to adult court).

Incarcerated Adult means a person who meets ALL of the following criteria:

- 18 years of age or older, **not subject to the jurisdiction of the juvenile court**, AND
- has been arrested and is in custody for, or awaiting trial on, a criminal charge, or has been convicted of a criminal offense, AND
- is not a person whose case originated in the juvenile court and is subject to Section 208.5 (i.e., juvenile court case transferred to adult court).

WIC section 208.55 also codifies established principles of separation, such as:

- Juveniles do not need to be sight and sound separated from other juveniles (as defined by this section)
- Incarcerated adults must have no sight or sound contact with juveniles.
- Incarcerated adults include any person who is over 18 years of age, has been arrested and is in custody for, or awaiting trial on, a criminal charge, or has been convicted of a criminal offense and is **NOT** subject to the jurisdiction of the juvenile court.

This document supersedes all prior memos and guidance.

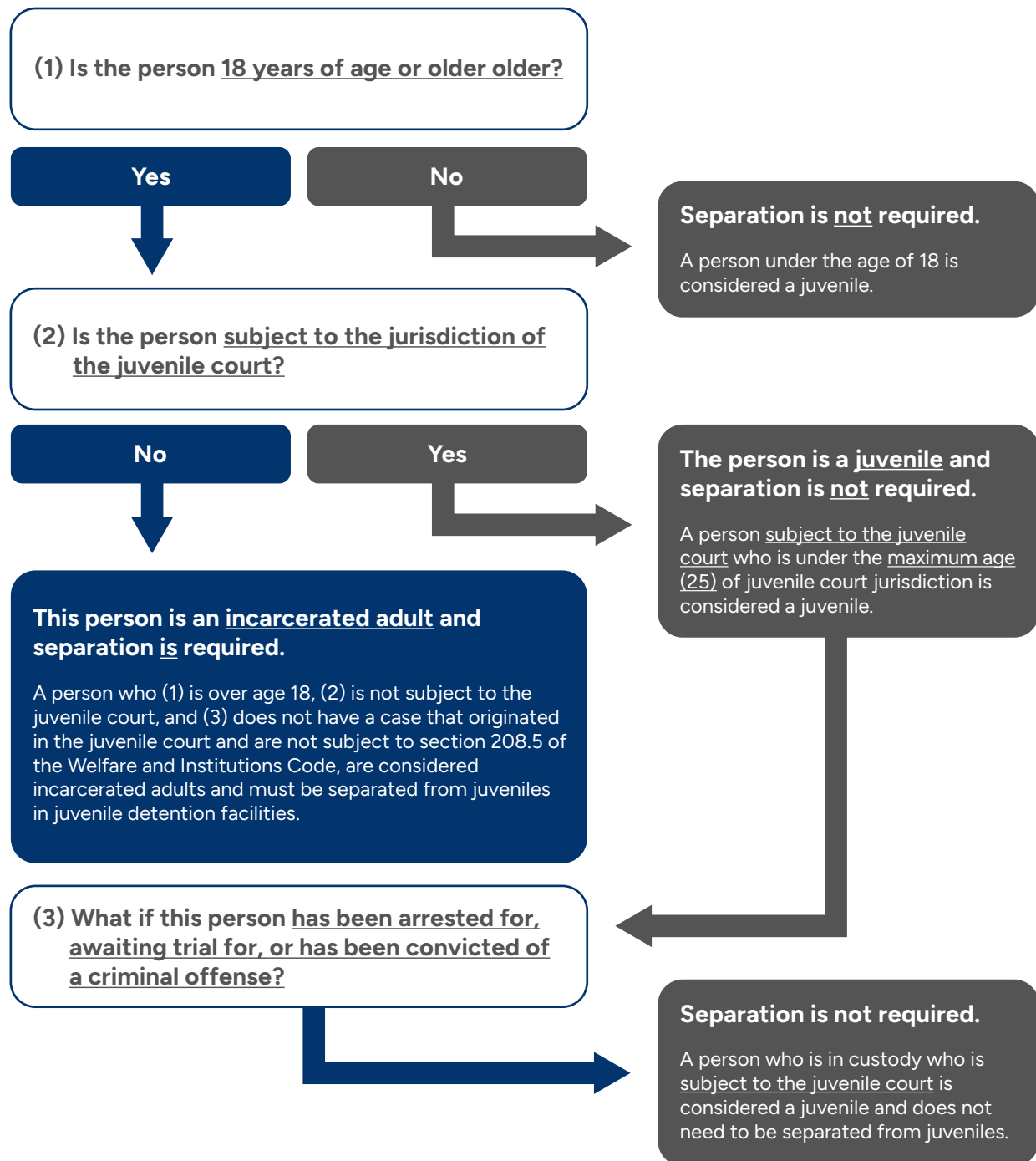
To aid in the determination of separation requirements under WIC 208.55, a decision tree has been provided.

Incarcerated Adults in Juvenile Detention Facilities

Separation Decision Tool

Welf. & Inst. Code, § 208.55

There shall be no sight or sound contact¹ between Incarcerated Adults² and Juveniles³ when detained in Juvenile Halls, Special Purpose Juvenile Halls, Ranches and Camps, and Secure Youth Treatment Facilities. To determine if separation is necessary, answer the following questions.



¹ "Sight or sound contact" means any physical, clear visual, or direct verbal contact that is not brief and inadvertent.

² "Incarcerated adult" means a person who is 18 years of age or older, not subject to the jurisdiction of the juvenile court, and has been arrested and is in custody for, or awaiting trial on, a criminal charge, or has been convicted of a criminal offense, and is not a juvenile.

³ "Juvenile" means a person who meets any of the following criteria: (A) A person under 18 years of age. (B) A person under the maximum age of juvenile court jurisdiction who is not currently an incarcerated adult as defined by this section. (C) A person whose case originated in the juvenile court and is subject to Section 208.5.

Welfare and Institutions Code section 208.55

- a. For purposes of this section, the following definitions apply:
- (1) "Juvenile" means a person who meets any of the following criteria:
 - (A) A person under 18 years of age.
 - (B) A person under the maximum age of juvenile court jurisdiction who is not currently an incarcerated adult as defined by this section.
 - (C) A person whose case originated in the juvenile court and is subject to Section 208.5.
 - (2) "Juvenile facility" means a local juvenile hall, special purpose juvenile hall, ranch or camp, secure youth treatment facility, or any other juvenile facility that is subject to compliance monitoring by the state administrative agency designated to implement the federal Juvenile Justice and Delinquency Prevention Act of 1974 and subsequent reauthorizations and amendments thereto (34 U.S.C. Sec. 11131 et seq.).
 - (3) "Sight or sound contact" means any physical, clear visual, or direct verbal contact that is not brief and inadvertent.
 - (4) "Subject to the jurisdiction of the juvenile court" means a person alleged or found to be subject to Section 601, 602, 607, or 875.
 - (5) "Incarcerated adult" means a person who is 18 years of age or older, not subject to the jurisdiction of the juvenile court, and has been arrested and is in custody for, or awaiting trial on, a criminal charge, or has been convicted of a criminal offense, and is not a juvenile defined under subparagraph (C) of paragraph (1).
- b. The following shall apply to persons detained in a juvenile facility as it relates to sight or sound contact:
- (1) A juvenile may have sight or sound contact with other juveniles.
 - (2) An incarcerated adult who is detained in a juvenile facility shall not have sight and sound contact with juveniles under 18 years of age.
 - (3) For the purposes of clarification only, a juvenile who is still under the jurisdiction of the juvenile court and who participates in the Pine Grove Youth Conservation Camp pursuant to Section 1760.45 shall be considered a juvenile if returned to a local juvenile facility.