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A JUVENILE DETENTION HOME IS A PLACE NOT USED FOR THE CONFINEMENT OF ADULT PERSON, AND SUCH A HOME SHOULD BE SEPARATE AND APART FROM BUILDINGS IN WHICH ADULT PERSON ARE CONFINED. THUS A JUVENILE DETENTION HOME MAY NOT BE ESTABLISHED IN A JAIL EVEN THOUGH ON A FLOOR SEPARATE AND APART FROM THE JAIL §2151.34, R.C.

SYLLABUS:

Pursuant to Section 2151.34, Revised Code, a juvenile detention home is a place not used for the confinement of adult persons, and such a home should be separate and apart from buildings in which adult persons are confined; accordingly, such a juvenile detention home may not properly be established in a county jail, even though one complete floor of the jail would be used for such purpose, and the intention would be to keep the one floor separate and apart from the rest of the jail.

Columbus, Ohio February 17, 1962

Hon. John G. Peterson, Prosecuting Attorney
Green County, 18 Allen Building, Xenia, Ohio

Dear Sir:

Your request for my opinion reads:

"I have a request from the Green County Commissioners for an opinion from your office as to their legal rights of placing the Juvenile Detention Quarters on one floor of a new County Jail building which would be separate and apart from all other inmates of such jail. They are considering the placing on the ballot of a bond issue for the construction of a new jail and would therefore appreciate an immediate answer to this question.

"I am aware of the provisions of Section 2151.34 of the Revised Code which provides that 'No child under eighteen (18) years of age shall be placed in or committed to any prison, jail, or lock-up, * * *' However, their intention is to construct a new County Jail with one floor completely separate and apart from the rest of the jail to be used for detention quarters for juvenile offenders."

The prohibition against placing children in adult places of detention, arises under Section 2151.34, Revised Code, reading in part:

“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 such child can come in contact or communication with any adult convicted of crime or under arrest and charged with crime; provided that a child fourteen years of age or older may, for good cause shown, and with the consent of the juvenile judge or a person designated by him, be placed in a place of detention for adults, but in a room or ward separate from adults. * * *

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The words “prison” and “jail” refer in common parlance to buildings that are places of detention; see Black’s Law Dictionary, pages 969 and 1358. “Lockup” refers to a place used temporarily as a prison; Black’s Law Dictionary, page 1090. Therefore, it seems only reasonable to conclude that the prohibition against placing children under 18 in either a prison, jail, or lockup means that a child should be kept in a building that is not a prison, jail, or lockup; in other words, a separate building.

Further, detention homes are authorized under Section 2151-34, *supra*, the pertinent part of which reads:

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“Upon the advice and recommendation of the judge, the board of county commissioners shall provide, by purchase, lease, construction, or otherwise, a *place* to be known as a detention home, which shall be within a convenient distance of the juvenile court, and *not used for the confinement of adult persons charged with criminal offenses*, where delinquent, dependent, neglected children, or juvenile traffic offenders may be detained until final disposition. * * *

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(Emphasis added)

According to Webster’s Third New International Dictionary, page 1727, “place” means:

“* * * physical environment: * * * physical surroundings
* * * an indefinite region or expanse: area * * *.”

And since a detention home is to be * * * a * * * (physical environment) * * * not used for the confinement of adult persons * * *,” this also connotes the idea of separability.

Further, Section 2151.34, *supra*, does allow that children over 14 under certain prescribed circumstances be placed in an adult place of

detention, but in a room or ward separate from adults. "Ward" means a division of a building; Webster's Third New International Dictionary, page 2575. The kind of structure proposed in your letter would be a *division* of a county jail; that is to say, it would be a ward separate from adults. Thus, under the clear words of the statute, it would be suitable only for children 14 years of age or older, for good cause shown, and with the consent of the juvenile judge.

The purpose of this statute should also be considered. Its obvious implication is that children should be kept away from adult criminals and thus avoid contamination from that source even though it appears impossible to avoid any possible contamination arising from contact with other children. Putting a juvenile detention home on a top floor of the county jail may, through the use of separate entrances and other devices, block out the sight of adult criminals, but it hardly seems possible that the general atmosphere of a jail could be blocked away that easily.

It should also be remembered that a juvenile detention home is not only for delinquents or juvenile traffic offenders, but also for dependent and neglected children; Opinion No. 417, Informal Opinions of the Attorney General for 1962. This is further reason for requiring the complete separation of adults and children.

In answer to your specific question, it is my opinion and you are advised that pursuant to Section 2151.34, Revised Code, a juvenile detention home is a place not used for the confinement of adult persons, and such a home should be separate and apart from buildings in which adult persons are confined; accordingly, such a juvenile detention home may not properly be established in a county jail, even though one complete floor of the jail would be used for such purpose, and the intention would be to keep the one floor separate and apart from the rest of the jail.

Respectfully,

MARK McELROY

Attorney General