



**STATEMENT REGARDING YOUTH JUSTICE PROVIDERS:  
FOR USE DURING COVID 19 SOCIAL DISTANCING MEASURES**

In recent weeks, a public health crisis has unfolded across our country which will require unprecedented actions to contain. As federal, state, and local governments plan their responses to COVID-19 and attempt to slow the spread of the virus, it is essential that we keep in mind the impact that this emergency may have on young people, including those who are at risk of becoming involved with the justice system, or who are already involved with the justice system, particularly those who are locked behind bars.

**We request \$100 million in Federal Emergency Appropriations for Juvenile Justice to help with the following:**

1. Ensure that states receive enough testing kits, cleaning supplies, and preventative supports to protect youth, staff and volunteers in secure facilities;
2. Ensure that states receive enough funding to provide medical intervention for vulnerable youth that aren't able to be sent home and to close gaps in Medicaid coverage for those who have recently returned;
3. Ensure that states receive funding to extend distance-learning and remote therapy to youth in secure facilities;
4. Ensure that probation has the training and equipment needed to provide remote-based services;
5. Ensure costs for interventions aren't passed on to families.

We further request additional flexibility during this pandemic to enable states and local providers to meet the emergency needs of families and vulnerable youth. Food and similar items that are not typically permissible uses of federal juvenile justice grant funds are essential to our families' survival during this critical time when many people find themselves unable to work and are struggling to secure basic necessities. Supporting these needs helps support community safety.

**Youth In Secure Custody** (detention, commitment, residential treatment, jails & prisons):

All too often federal policy overlooks the 48,000 young people who are behind bars on any given night.<sup>1</sup> These facilities present an array of dangers for young people even under the best of circumstances.<sup>2</sup> This is only compounded with the possibility of introduction of a rapidly spreading virus that has the potential to move quickly through prisons and detention facilities. Already reports show that at least three youth at a detention facility in Louisiana have tested

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<sup>1</sup> <https://www.prisonpolicy.org/reports/youth2019.html>. Note: This includes the 43,000 young people in juvenile detention and the 5,000 in adult facilities.

<sup>2</sup> [http://www.justicepolicy.org/images/upload/06-11\\_rep\\_dangersofdetention\\_jj.pdf](http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf)

positive for COVID-19, as have others across the country, including a young person in Washington, D.C.'s detention facility, a young person in a Texas detention facility, a youth in Missouri, staff in Florida, Delaware and Connecticut, and an individual in a Washington, just to name a few.<sup>3</sup>

Exposing young people to this danger is unnecessary. Nearly 1 in 5 youth who are currently incarcerated in our country have not yet been adjudicated or found guilty.<sup>4</sup> This means that they are being placed in crowded facilities with limited medical care even though it has not yet been determined whether they engaged in any delinquent behavior. We call on communities and law enforcement officials to stop this practice and to let young people who are awaiting trial for offenses that aren't serious threats to public safety, do so at home where they can be safe from dangerous confinement conditions.

We further call on communities to stop holding young people charged with low level behaviors such as status offenses and technical violations of probation. Nearly 19 percent of young people who are incarcerated are being held for these types of low-level behaviors.<sup>5</sup> Across the country, communities and states are increasingly recognizing that detaining these youth does nothing to improve community or individual outcomes. That is more true now than ever.

Youth in adult jails who have low cash bail should also be released with supports; as should those with fewer than 60 days left on any jail sentence.

We also call on communities and states to ensure that youth have access to family and legal counsel, whether it's through remote technology or through in-person visitation. Fees should be suspended for any usage of phones and other electronic equipment used to facilitate this interaction. This is a scary time for many people, especially youth. Being cut off from family visitation and legal counsel during this time only compounds the uncertainty and fear that our children and their families may be facing while separated from one another.

With many schools closing for the foreseeable future, it is critical that distance learning also be available for youth in secure placements. If e-learning isn't possible through technology, we encourage administrators to loosen restrictions on mailing paperback books from 3rd party vendors (e.g. Amazon) and other materials (e.g. crossword puzzles, Sudoku, etc.) to keep young people engaged intellectually.

We recognize that this presents a need to balance interests: staff and young people who are in facilities need to be kept safe and healthy. We encourage administrators to provide regular health checks on staff, to ensure they don't have fevers, coughs or other indicators. This should extend to any volunteers, contractors, or attorneys who are interacting with children in secure

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<sup>3</sup> <https://yclj.org/covid19-resources>

<sup>4</sup> <https://www.prisonpolicy.org/reports/youth2019.html>

<sup>5</sup> Id.

facilities. If staff members were to become ill, staffing shortages could have serious impacts on youth who are often placed in room confinement or isolation during such situations. We urge adequate staffing levels so that this does not have to take place.

We also encourage regular health checks on young people and a plan to provide medical treatment for youth. Detention facilities are not intended to provide critical medical care. As such, youth showing symptoms of COVID-19 should be removed from juvenile facilities immediately and moved to a hospital or other medical facility for treatment. If released by medical personnel they should be quarantined in their homes or another safe, non-detention setting pending the results of testing, as isolation practices can discourage youth from reporting on symptoms if they fear it will lead to physical isolation and sensory deprivation for extended time.<sup>6</sup>

Finally, we encourage facilities to test youth who are symptomatic before releasing them, lest they jeopardize the safety of vulnerable family members or the community.

### **Youth on Probation or Community Supervision**

For the vast majority of youth who aren't in secure detention, including the 283,600 cases resulting in probation, there should be a concerted effort to reduce any extraneous conditions of probation that may increase social contacts.<sup>7</sup> Check-in's with probation officers can be made via video chat . Where possible counseling should happen electronically, and group counseling should be postponed. Probation violations should not be issued based on school attendance, especially since the current environment is heavily focused on e-learning as more and more school districts shut down, and our poorest children may not have access to necessary technology. Mandated probation activities that would require a young person to use public transportation should also be curbed as much as possible. Communication with families about changes in monitoring should be clear, with timelines and phone numbers for questions.

We encourage probation departments to set up crisis intervention call-lines if families need support, and to publish on their websites where food, medical resources, and emergency services can be accessed in their communities.

### **New Arrests:**

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<sup>6</sup> Youth Justice Coalition. "URGENT ACTION NEEDED! Please sign on by 2PM Today, Monday, March 16, 2020 DEMAND EQUAL PROTECTION AND DUE PROCESS FOR YOUTH AND OTHERS UNDER PROBATION CUSTODY AND SUPERVISION" Recommendation 14 on how to best address youth justice needs during COVID-19 outbreak. Sent via electronic mail on March 16, 2020.

<sup>7</sup> National Juvenile Court Data Archive. National Center for Juvenile Justice. Pittsburgh, PA. Available on-line at: <https://www.ojjdp.gov/ojstatbb/ezajcs/>.

There are nearly 800,000 youth arrested in this country every year, 95% of which are for very low level offenses such as loitering, underaged drinking, and other status or misdemeanor offenses.

As cities are implementing social distancing measures, such as closing public recreation facilities, libraries and schools; and imposing curfews, it is imperative that law enforcement, judges, and prosecutors also use their discretion and use tools other than arrest and detention to avoid flooding the juvenile justice system with new, low-level cases. Whenever possible, youth should be directed back home, diverted to safe places, or issued a citation. No bench warrants should be processed during this crisis. If arrests take place, young people who are symptomatic should have access to testing.