Recommendations for Youth Justice Systems During the COVID-19 Emergency

As schools across the country close their doors to support social distancing and reduce the spread of COVID-19, another set of doors remain locked and closed for some of our nation’s most vulnerable youth—those in our youth prisons. As we attempt to contain the coronavirus spread, the safety and care of youth in locked custody should be of particular concern. In China and Iran, catastrophic COVID-19 outbreaks occurred in prisons. We must take decisive action to protect young people in those settings in the US.

As **Youth Correctional Leaders for Justice** Steering Committee members Marc Schindler and Vincent Schiraldi wrote in *USA Today*: *While most young people are at lower risk from the virus, youth in the justice system are less healthy than their peers. They have more gaps in Medicaid enrollment and higher rates of asthma, which increases the severity of COVID-19. Locking youth up exacerbates mental illness, dramatically increases the risk of self-harm and is associated with risks lasting into adulthood, including poorer overall general health and increased incidence of suicide.*

On any given day, about 43,580\(^1\) youth are incarcerated in facilities across the country, many of whom have between 50-200 beds and some of which were constructed over a century ago.\(^2\) In many cases, these facilities are far removed from youths’ homes and communities, creating a great deal of fear and uncertainty for families and loved ones, in this time of national crisis.

During a time of immense uncertainty, the undersigned current and former leaders of youth correctional agencies across the country collectively offer the following recommendations, guidance, and resources for youth justice leaders navigating critical decisions for the safety and health of kids and families in their care amidst the COVID-19 crisis.

**Recommendations:**

- **Establish a Coronavirus safety plan** While this pandemic is unlike anything our country has seen before, it is important to ensure that all youth justice agencies develop a complete safety plan to ensure comprehensive and coordinated implementation across the entire agency. This not only includes typical health measures such as ensuring all staff and youth have proper access to cleaning and sanitation supplies, and instructions to sanitize all surfaces throughout the day, but also ensuring mental health is not forgotten and that young people have resources, support, and contact with loved ones.

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• Release youth who can be safely cared for in their homes and communities. Guidance is clear that congregate care settings of any sort were an unsuccessful model for addressing youth crime even before the pandemic, and are dangerous at this time, with youth facilities placing staff and youth at risk because of these facilities’ size, age, and condition.
  o Prioritize the immediate release of medically vulnerable youth
  o Immediately release all youth that already have scheduled release dates within 90 days.
  o End or dramatically curtail new admissions to these facilities.
  o Provide emergency funding to community-based organizations to safely divert more young people from incarceration.
  o If able, provide basic health and other supports to system-involved youth and their families.

• Identify and separate youth with pre-existing medical conditions that put them at high risk. This recommendation, it should be noted, is not a suggestion that youth be placed in solitary or conditions that in any way resemble it. It’s well established that solitary confinement puts young people at risk of long-lasting psychiatric harm.

• Ensure Connection to Family and Loved Ones. Wherever possible, continuing to foster connection between youth and family through in-person visitation is encouraged. As an extra precaution, jurisdictions can consider staggering visitation times to increase social distancing and require those who are sick to opt for video or phone calls. When in-person visitation is not possible, facilities should use a systematic approach to ensure equity, provide free, unlimited phone and video calls or access to email for youth to contact their families and loved ones.

• Continue to operate schools in facilities. For youth that need to remain in facilities, schools should continue to operate if possible. If not, coursework and educational materials should continue to be provided to youth each day, and distance learning should be undertaken if possible.

• Replace any activities or programs typically run by outside volunteers or service providers to ensure days are filled with positive activities. Many facilities have taken the step of reducing or eliminating outside volunteers from entering the facilities to avoid potential spread of the virus. However, in order to reduce idle time and continue to support the development, wellbeing, and safety of young people and staff, it is important to fill these gaps with productive activities.

• Equip and instruct facility staff, including probation, aftercare officers, and case managers, to contact all families to provide regular updates and information about the safety and wellbeing of their kids. While it is certainly best practice to regularly update families and loved ones about the health, progress and wellbeing of their child, it is especially important to increase updates during this time. These updates can also be
complemented with regular updates about responsive policy and protocol on an agency website.

- **Work with courts, prosecutors, and police to reduce the number of young people who are in contact with their systems.** Police can issue citations instead of arresting youth, prosecutors can advocate for release of youth, and courts can eliminate in-person hearings and require consideration of the health consequences of every part of the justice system.

- **Eliminate fines and fees.** Fines and fees disproportionately harm low-income families. In this time of widespread unemployment, systems should suspend them immediately.

- **Discharge kids on probation and aftercare who are doing well.** These programs require families to come to offices - often via public transportation - and wait in close quarters with others. Research finds little support for in-office visits, which should be immediately halted, while youth who have been complying consistently with probation requirements for a substantial time period should be considered for early discharge from supervision.

- **Provide mental and physical health resources to youth in custody.** While attending to physical health during this time is critical, it is also important to provide support and resources to help young people understand and process what is going on and what they can do to stay safe and healthy.