
MEMORANDUM

March 30, 2020

To: Governors' Offices
From: Bill McBride, Executive Director
Re: COVID-19 Responses in the Juvenile Justice System

As the number of COVID-19 cases increases, governors are taking action to limit the spread of this disease, including coordinating with correctional leaders to prevent and limit the spread and risk to justice-involved populations. As an extension of the call NGA recently held for the Criminal Justice Policy Advisor (CJPA) network on state responses for adult correctional facilities, this memorandum summarizes promising practices and potential strategies that governors and state leaders may consider adopting to address the impact of COVID-19 in the juvenile justice system. Topics covered include releasing youth from juvenile facilities, limiting new admissions to facility, limiting in-person visitation and contact in community supervision, and continuing education and programming.

Releasing youth from secure settings and juvenile facilities (including detention, corrections, or placement). Incarcerated populations may be at higher risk for contracting COVID-19 as the virus can spread quickly in enclosed spaces, including detention centers, prisons, and jails. In these settings, youth may be limited in their ability to participate in proactive measures to keep themselves safe, such as social distancing and frequently washing hands. Given these concerns, organizations and state leaders have recommended that states downsize youth facilities by:

- Releasing youth currently in detention for low-level offenses, status offenses, or technical violations of probation as soon as possible, giving care to making appropriate arrangements with the families or caregivers.
- Releasing youth with pre-existing conditions who are lower risk for reoffending.
- Coordinating with the courts to prioritize cases involving youth in pre-adjudication detention, so they do not remain in detention for extended periods due to the postponement of hearings.
- Providing an accelerated process for considering early release for youth who are within six months to a year of their parole release date, especially for those with non-violent offenses, and consult and plan with families or caregivers for successful youth transition upon release.

Limiting or stopping new admissions to juvenile facilities. To limit the number of youth in facilities, organizations and leaders recommend limiting new admissions by:

- Utilizing pre- and post-adjudication release processes.
- Encouraging local law enforcement to consider issuing citations instead of arrests for low-level offenses.

- For new cases, prioritizing in-home placements where a youth does not pose an immediate and substantial public safety risk; only those youth and young adults who are at serious risk to community safety should be considered for short-term detention or long-term placement.
- For youth on probation, stopping incarceration or out-of-home placements for technical violations.

Reducing in-person contact points for those inside facilities, while providing other forms of contact (e.g., phone calls, emails, videoconferencing). In an effort to reduce potential COVID-19 cases from entering facilities, “no visitation” policies are likely to occur. As this can be a period of great uncertainty, it is important for youth to remain connected to family, legal counsel, and others. Organizations and leaders recommend increasing external contact by:

- Developing a safety plan to ensure comprehensive and coordinated implementation across the entire agency to ensure the safety of the youth and staff.
- Reviewing and updating policies related to screening and visitation protocols; facilities may need to implement a “no visitation policy,” while ensuring all legal rights are met.
- Increasing phone privileges, made available for all youth free-of-charge and at a greater frequency with their families or caregivers, with efforts made to utilize available technology to provide videoconferencing. States could consider working with contract providers (i.e., phone, internet, video) to request a waiver in costs, if possible.

Continuing positive youth development programming and support for communities and families. Wherever possible, continue to foster connections between youth and family. Positive youth development should remain a priority and, if possible, facilities should ensure continuity of support services and programming for youth. In order to reduce further interruptions in daily activities, organizations and leaders recommend:

- Where available, utilizing funds to temporarily support a young person’s basic needs as part of their transition back to the community.
- For youth who need to remain in facilities, continue operating schools and educational programming, if possible. If not, consider the use of online learning to avoid disruptions in education and programming.
- Given that outside visitation for programming may be reduced, ensure appropriate supplemental programming.
- Providing communication (written and verbal) to youth to explain any changes implemented and information on COVID-19.

Reducing probation, court appearances, home visits, or other activities for youth outside of detention facilities. Youth should limit and reduce all outside-the-home contact to avoid potential community spread. Organizations and leaders recommend reducing external contact by:

- Developing policies focused on reducing contact to limit unnecessary exposure to community spread.

- For youth on probation, reducing or eliminating in-person contact with probation officers. Consider shifting to phone or videoconferencing contact during this time. Other required contact (e.g., programming and groups) could be temporarily suspended.
- Postponing scheduled court appearances for ongoing cases or moving to a videoconference platform. Try to avoid in-person court appearances where possible.

Referenced Resources:

- [Center for Children’s Law and Policy Statement on Youth Justice and COVID-19](#): This statement addresses concerns about the potential impact of the virus on youth in detention and commitment facilities. Additionally, it provides recommendations for juvenile justice officials, including releasing some young people from secure settings, ensuring young people still receive necessary supports and services, and suspending or limiting in-person probation meetings.
- [Pennsylvania Bureau of Juvenile Justice Service’s Visitation Guidance](#): This guidance seeks to limit in-person contact to manage the spread of COVID-19 and maintain the health and wellbeing of the youth and staff through updated screening and visitation protocols.
- [Youth Correctional Leaders for Justice Recommendations for Youth Justice System in the COVID-19 Emergency](#): In a statement by 30 former and current juvenile justice agency leaders, the undersigned provide recommendations to juvenile justice system leaders to navigate critical decisions for the safety and health of youth and families in their care.
- NGA additionally gathered insights from other experts in the field, including The Annie E. Casey Foundation.

Additional Resource:

- [Interstate Commission for Juveniles](#). Guidelines for the Interstate Commission for Juveniles during a state of emergency resulting from a prolonged utility failure; natural disaster, including significant hazardous material incident; public health crisis; or terrorist or military attack, including cyber-attacks.

For questions or concerns related to the contents of this memo, please contact NGA staff:

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