

COVID-19 Impacts on Justice-Involved Kids: Lessons Learned from States

At least 40 states and territories and the District of Columbia have recorded COVID-19 cases among youth and staff in juvenile justice facilities.ⁱ Young people and the staff in these settings are at greater risk for the spread of the virus because of close spaces and contact, and limited in their ability to participate in proactive measures to help keep themselves safe, such as social distancing and frequently washing hands.ⁱⁱ Given these challenges, over the last year state and local juvenile justice officials implemented various prevention and mitigation strategies to address the impacts of COVID-19 within secure and confined settings.

Even amidst the largest mass vaccination campaign in decades, Governors and state leaders are continuing public health mitigation measures within their states to address transmission and health risks of COVID-19 in these settings. The following issue brief highlights lessons learned and several overarching strategies from 2020 COVID-19 pandemic response efforts that governor's offices and state officials can utilize to address this pandemic within the youth justice systems.

State Strategies for Youth Justice in a Pandemic

Three overarching strategies that states have used to address this pandemic within the youth justice systems have emerged: reducing the number of young people in facilities, supporting and providing resources to staff and limiting in person contact in facilities and community settings, and continuing to promote positive youth development.

Reducing the number of young people in facilities.

A number of factors common to secure and confined settings make it difficult for these facilities to mitigate the spread of COVID-19. These include high rates of admission and release, regular incoming and outgoing movement by staff and visitors, health vulnerabilities among residents and staff, and under-resourced correctional health services.ⁱⁱⁱ Emerging research suggests that reducing the population within facilities is an effective strategy to mitigate transmission.^{iv} States have taken a number of strategies to reduce the population, including releasing individuals and limiting new admissions. This includes releasing young people in detention for low-level offenses, status offenses, or technical violations of probation, while making appropriate arrangements with their families or caregivers and providing services in the community.

These COVID-19 related policies are also consistent with prior and ongoing juvenile justice reform efforts that have shown placement in secured facilities does not reduce the likelihood of re-offending and longer system involvement creates long-term and collateral consequences for the young person involved.^v States have also coordinated with courts and law enforcement officials to prioritize cases involving youth in pre-adjudication and encourage law enforcement to consider issuing citations instead of arrests for low-level offenses. In **Illinois**, the Department of Juvenile Justice worked with local partners to suspend new intakes into its facilities and halt warrants for young people with technical parole violations.^{vi} **Maryland's** Department of Juvenile Justice worked with judges and courts, where dockets had been suspended or limited to emergency hearings, to release some young people to community supervision and based on public safety and public health factors.

Support and provide appropriate resources to facilities and community providers.

Juvenile justice administrators have highlighted the need to collaborate with public health officials to actively review and continually update policies and protocols to fit evolving COVID-19 operating standards. Impacted agency policies may include regulating the use and availability of hand sanitizer in prisons, limiting in-person visitation, instituting cleaning procedures, and updating health care and immunization protocols. For example, **Arkansas** adapted protocols from long-term care facilities to update facility procedures. The state's Division of Youth Services extended intake medical assessment periods, provided access to telephone and video conferencing for parents and family members, and amended screening and testing protocols for staff and young people in the facilities. In addition to the impacts on facilities, the pandemic has also impacted community-based programs and service providers. To mitigate these challenges, juvenile justice officials have made efforts to coordinate and develop release plans to support reentry and reintegration into the community.

Continue to promote positive youth development.

Over the years, states have adopted services and programming within facilities that incorporate positive youth development to strengthen academic, technical, and interpersonal skills, encourage and forge positive relationships with family and community, and offer youth opportunities to succeed in meaningful ways.^{vii} Public health experts have recognized that restrictions to slow the spread of the coronavirus can impact the growth and social-emotional wellbeing of young people in these facilities by exacerbating social isolation and disrupting educational and other routines.^{viii} To prevent social distancing protocols from gravely impacting youth development strategies and programming, states have continued to foster connections between youth and family and sought to ensure continuity of support services and programming for youth both within facilities and within the community. In **Virginia**, the Department of Juvenile Justice (DJJ) staff received virtual trainings on maintaining connections through meaningful and routine contacts between youth and their families, and other support systems. DJJ has also provided video conferencing and free phone calls to young people, so that they are better able to stay in contact with their families.

Potential Challenges and Looking Ahead

As Governors and states leaders continue to implement these mitigation strategies and provide vaccines within youth facilities, they will need to navigate the following potential challenges.

Addressing the disproportionate impact on youth of color.

In most recently available data, Black youth were more than five times as likely to be detained or committed to juvenile facilities, as compared to white youth.^{ix} States engaging in juvenile justice reforms have made efforts to collect data and develop strategies to reduce the disparities in system contact, confinement, and other outcomes experienced by youth of color. In addition to general disparities within the justice system, the COVID-19 pandemic has presented disproportionate burdens on communities of color who, due to health system disparities, experience higher rates of illness and death.^x Given the disproportionate impact of COVID-19 on communities overrepresented in the juvenile justice system, states can build on existing data collection efforts to monitor and address any disparities experienced by these groups in COVID-19 related vaccination, testing, hospitalization, death, and recovery.

Budget shortfalls and competing priorities.

Many state and local governments have already noted fiscal gaps and revenue decreases in 2020, with greater declines expected through 2021 because of the COVID-19-related recession.^{xi} With these budget challenges, Governors will be faced with difficult decisions to balance state budgets and ensure that institutional and residential program investments do not come at the expense of maintaining and building community capacity and efforts to reduce reliance on incarceration. In these moments, state leaders can focus limited funding on evidence-informed and effective investments to provide better outcomes for young people in the long-term.

Community provider availability and constraints.

As more young people seek access to services and supports in the community, community providers have been hit particularly hard in being able to sustain the capacity and obtaining funding needed to operate under these circumstances. This presents a challenge in sustaining community-based interventions. To respond to these impacts, state juvenile justice leaders have made efforts to ensure continuation of positive youth development and supporting families, as it is a key component to improving lives of young people. Additionally, as public health challenges remain, state leaders can look to support the development of new and innovate ways to positively and productively engage youth under community supervision, while maintaining health prevention and mitigation measures.

Conclusion

To tackle the challenges ahead and implement lessons learned from the first phases of the pandemic, Governors and senior state leaders can continue to lead and facilitate coordination across state agencies charged with supporting young people and families and with key justice system stakeholders and communities. With continued collaboration, states can stop the spread of COVID-19 and stay the course on existing efforts to promote evidence-based practices and improve outcomes for young people involved in the justice system.

ⁱ Josh Rovner, “COVID-19 in Juvenile Facilities,” The Sentencing Project, January 8, 2021, <https://www.sentencingproject.org/publications/covid-19-in-juvenile-facilities/>.

ⁱⁱ “COVID-19 Resources: Correctional and Detention Facilities,” Centers for Disease Control and Prevention, last updated February 17, 2021, <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/index.html>.

ⁱⁱⁱ National Academies of Sciences, Engineering, and Medicine, 2020, Decarcerating Correctional Facilities during COVID-19: Advancing Health, Equity, and Safety, Washington, DC: The National Academies Press, <https://doi.org/10.17226/25945>.

^{iv} National Academies of Sciences, Engineering, and Medicine, 2020, Decarcerating Correctional Facilities during COVID-19: Advancing Health, Equity, and Safety, Washington, DC: The National Academies Press, <https://doi.org/10.17226/25945>.

^v Dana Shoenberg, “Lessons from Juvenile Justice Reforms Could Help Reduce Pandemic’s Impact on Confined Youth,” May, 5, 2020, <https://www.pewtrusts.org/en/research-and-analysis/articles/2020/05/05/lessons-from-juvenile-justice-reforms-could-help-reduce-pandemics-impact-on-confined-youth>.

^{vi} Council of Juvenile Justice Administrators, COVID-19 Practice, Policy & Emergency Protocols in State Juvenile Facilities, <http://cjjj.net/wp-content/uploads/2020/06/COVID-19-Issue-Brief-.pdf>.

^{vii} “Positive Youth Development,” The Annie E. Casey Foundation, <https://www.aecf.org/topics/positive-youth-development/>.

^{viii} “COVID-19 Parental Resources Kit -Adolescence,” Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/parental-resource-kit/adolescence.html>.

^{ix} The Sentencing Project, Black Disparities in Youth Incarceration, September 2017, <https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/>.

^x National Governors Association, Memorandum, Reducing the Disproportionate Impact of COVID-19 Among Communities of Color, June 25, 2020, <https://www.nga.org/wp-content/uploads/2020/06/COVID-19-Health-Equity-Memo.pdf>.

^{xi} National Association of State Budget Officers, 2020, The Fiscal Survey of States Fall 2020, Washington, D.C., <https://www.nasbo.org/reports-data/fiscal-survey-of-states>.