

Center for Children's Law and Policy Statement on Urgent Action Needed for Youth Justice Professionals in the Wake of the COVID-19 Pandemic

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The Center for Children's Law and Policy (CCLP) has been closely monitoring the COVID-19 pandemic in recent weeks. As youth justice advocates who are or who have families, friends, and loved ones who are among the most vulnerable populations for the disease, we have taken steps to ensure that our work on behalf of young people and families can continue while also protecting the public. These steps include shifting our operations to full work-at-home status, adding new technology to support remote training and technical assistance, and avoiding travel to the many cities, counties, and states where we are working. While this will undoubtedly present challenges, it is the right thing to do in this moment, and we are committed to doing our part to limit the spread of this deadly virus.

At the same time, CCLP's core mission is, and always has been, the protection of the rights and well-being of vulnerable youth in public systems, particularly the youth justice system. With the spread of the COVID-19 pandemic, our chief concern has been the potential impact of the virus on youth in detention and commitment facilities, secure and non-secure placements, and other congregate care settings, as well as youth who are mandated to have contact with other youth and adults in group settings (e.g., youth mandated to attend substance abuse treatment meetings as a condition of probation). For these youth, staying home or engaging in social distancing has not been an option because of court and agency decisions made before the declared pandemic or before the virus began to spread throughout the United States. Now is the time to act to keep these youth safe. As states across the country are closing schools and canceling events to protect young people, youth in the justice system should not be left behind in public health efforts.

While much is not known about the coronavirus, we know enough today to urge leaders in the field to take immediate steps to protect youth, family members, and staff members. We echo the statements by many of our partner organizations when we recommend the following steps, which are consistent with guidance from medical professionals:

1. Stop new admissions to juvenile detention, correctional, and placement facilities.

Unless youth pose an immediate and substantial risk to public safety, alternatives to out-

of-home placements, including placement at home with terms and conditions, should be the default response.

2. **Release as many young people from secure and congregate care settings as possible as quickly as possible.** This includes taking advantage of pre-adjudication and post-adjudication release processes and policies to release youth unless they present a substantial public safety risk. It also includes releasing youth who have pre-existing conditions that may make them particularly vulnerable to COVID-19 symptoms, as well as youth who are exhibiting COVID-19 symptoms themselves. These youth should not be released to other congregate care settings where the virus can spread; the default should be a presumption that the youth will return to a family member or guardian's home. Agency officials should take steps to ensure that youth have a place to live, have a plan to meet their basic needs, have a plan to receive medical care, and have immediate access to Medicaid.
3. **For youth who are in secure detention or placement, or another out-of-home setting, ensure that youth are not deprived of legally and developmentally necessary supports and services.** For the small number of youth who must be in an out-of-home congregate care setting, ensure that youth receive written and verbal communications on COVID-19, prompt access to medical care, continued access to education and special education services, continued access to legal counsel (through in-person visitation or teleconferencing), continued access to family members and supportive individuals (through in-person visitation or teleconferencing), and access to unlimited and free phone calls to family members and supportive individuals.
4. **For youth on probation or some form of community supervision, suspend requirements that are at odds with public health recommendations, and stop the use of incarceration for technical violations.** For youth supervised in the community, officials should suspend regular meetings with probation officers, individuals, programs, and groups. Any necessary contact should take place by phone or videoconference. Additionally, officials should allow youth to travel to access medical care, stay isolated if necessary or ordered by public health officials, and take care of themselves and loved ones. Finally, officials should ensure that youth are not incarcerated or placed out of home for technical violations of probation during this time period.

We have both heard from and reached out to many youth justice agency directors, administrators, managers, and other professionals within the past two weeks about their concerns about the spread of COVID-19 among their communities, including the young people and families they work with and the staff members they oversee. We share these concerns and will support youth justice professionals in any way we can to act as soon as possible. Even though we are working remotely, we are only a phone call, email, or videoconference away to offer our advice. And, as more and more youth justice professionals take these actions, we are committed to sharing your leadership with the field as an example of how to take quick, common-sense action to prevent the spread of this disease. Please let us know when you do take such steps so that we can ensure that the youth justice field is remembered for doing its part during these unprecedented times.

From all of us at CCLP, thank you for your support, and we send our sincere wishes that everyone stays safe, healthy, and motivated to work together to get through these challenging days.

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