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TO PROTECT OUR CHILDREN AND FIGHT THE CORONAVIRUS, RELEASE YOUTH FROM JUVENILE DETENTION

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EXECUTIVE SUMMARY

Juveniles in detention are especially vulnerable during pandemics due to the additional stress and trauma associated with increased restrictions and isolation. Lockdown and confinement practices force solitary-like conditions on every juvenile in detention, including near-total isolation from family and loved ones, as well as from each other. This can result in serious long-term damage to each young person in juvenile detention, and there is no evidence to suggest the additional restrictions will inhibit pandemic acceleration.

As one Denver physician, Dr. Kim Cullen, warned recently: “We are on the brink of the nightmare scenario.” Dr. Cullen was among the physicians who signed an open letter urging officials to release youth from detention facilities and to halt new admissions. “If there isn’t swift action to move children out of these environments where this virus can spread like wildfire,” she said, “we are just providing the kindling.”

On April 2, the National Juvenile Defender Center likewise issued a statement on the urgent need to halt new detentions and release all youth who can safely return home to their families or caregivers.

In a national poll, we found broad bipartisan public support for releasing early some youth held in detention:

- ▶ **Sixty percent of likely voters support releasing juveniles whose sentences end within the next six months**, including fifty-four percent of Republicans.
- ▶ **Fifty-eight percent of voters prefer early release to solitary confinement conditions** imposed on juveniles during a pandemic, including fifty percent of Republicans.

INTRODUCTION: KIDS ARE VULNERABLE

Lola (a client of mine whose name I have changed) is a 14-year-old girl held in a Los Angeles juvenile hall. About a week ago, in the middle of the day and without warning, the girls in her unit were locked in their cells due to concern over the potential spread of the coronavirus. Facility staff told the girls that they would only be allowed out one at a time for 15 minutes each day, and then once a week for phone calls. Meals would be eaten alone in their cells. This lockdown came six days after family visits were suspended in Los Angeles County juvenile detention facilities, further isolating Lola and the other kids from their families.

Staff provided little information about the lockdown or the coronavirus and its symptoms; Lola had only once been provided wipes to clean her cell and staff was not wearing masks or gloves. Confused and upset, Lola felt it was unfair that the privileges she had earned due to her good behavior were suddenly taken away. She felt like she was being punished. The lockdown also meant the loss of her education. Classrooms were closed and teachers were barred from entering the facility. Lola was told she would have to do homework in her room, but was not provided any work to do. She and the other youth in her unit were not afforded access to computers or anything outside of their rooms.

Lola is just one of 5,000 youth who are detained at any given moment in the state of California. In LA, there are typically about 500 youth detained awaiting trial or some other disposition of their charges, and another 500 who are in a locked facility while serving a sentence. While they are detained, they are subject to unsanitary

conditions, constant isolation, family separation, lockdowns, arbitrary punishments and no access to educational tools.

In prisons and jails, social distancing and sanitary conditions are nonexistent, and as a result facilities resort to extreme isolation. Detained youth face dire circumstances that threaten not only their own health and development, but also the broader public welfare. Putting kids on lockdown and imposing punishing restrictions is not going to keep them healthy or slow the spread of the coronavirus. Already, one probation officer assigned to a juvenile hall, and one public defender assigned to a juvenile courtroom, have tested positive for the coronavirus.

Beyond health concerns, incarcerated children face unacceptable and detrimental collateral consequences as a result of measures taken to contain the virus – measures unlikely to slow the pandemic.

The moral and effective policy response is simple: We must release children.

FAILED RESPONSE

Under normal circumstances, children in locked facilities in California are protected by regulations that set the minimum standards of care required for the operation of a juvenile detention facility. Those provisions, known as Title 15, regulate education, healthcare, diet, exercise, time spent outdoors, and access to family members. But these protections can be suspended due to an emergency, and on March 16, LA County Probation officially requested to suspend the minimum standards relating to education, work programming, and visiting, a decision that must be reviewed every two weeks throughout the emergency.

While probation claims to have a plan for dealing with the pandemic and for working with courts to release youth who may safely be released, they have yet to release their plans to the public and to the attorneys who represent youth in their facilities. Based on the information they have released so far about efforts to follow CDC guidance, they fall short of meeting public health requirements. For one, probation announced they will institute social distancing “when feasible,” adding a caveat that doesn’t exist in CDC guidance. Probation also says that “the department is implementing mandatory verbal screening for every person entering a juvenile detention facility” with “those attempting to enter a juvenile hall or camp... required to verbally respond if they currently have new or worsening symptoms.” But even if children can accurately report their current health, the system creates a disincentive to do so if kids with symptoms are placed in isolation.

Together, the loss of minimum statutory protections and the lack of health-compliant plans from probation exacerbate the already-severe collateral consequences that detained youth are experiencing by increasing isolation, reducing educational opportunities, and limiting access to mental health treatment.

When children experience isolation, it negatively impacts their mental health and psychological development. Youth in the juvenile justice system are already vulnerable and at-risk. They disproportionately suffer from abuse, neglect, trauma, mental health issues, and learning disabilities. Detained youth suffer the greatest exposure to trauma: about 95% have prior trauma exposure, with witnessing or experiencing violence as the most common recent traumatic experience. Isolation is further traumatizing this already-vulnerable cohort, and research has shown that trauma makes youth more susceptible to contracting illnesses.

As Lola's story conveys, social isolation imposed inside of a juvenile facility is tantamount to solitary confinement. It is highly traumatic. A group of physicians issued a statement on March 22 warning that incarcerating children during the pandemic will exacerbate trauma and increase the risk of harm. Isolation aggravates mental health problems and can lead to suicide, depression, and PTSD. The imposition of solitary confinement has also been linked to future criminal activity; it does not cure bad behavior. The conditions limit support detained youth can access to help them face stressful situations with resilience. Instead, youth are left to cope with the stress and trauma of isolation all on their own. The system is throwing these children's lives away.

California's Title 15 recognizes that isolation is traumatic; it explicitly states that room confinement should be a last resort, and only then for limited periods of time. Title 15 also warns that isolation should not be used to the extent that it compromises the mental and physical health of the youth.

Tragically, isolation will not be an effective measure to contain the spread of the coronavirus, and may in fact accelerate the pandemic. Youth who are experiencing symptoms will be reluctant to notify staff if they fear extreme isolation practices in the detention facility. Youth with symptoms will have to weigh the cost of solitary confinement or untreated illness. By punishing youth who speak up about their health, the system is creating a pandemic incubator.

Like Lola, detained children are suffering a loss of access to education. Isolation is worse for youth with learning disabilities, who make up a disproportionate percentage of justice-involved youth. Nationwide, at least one in three youth who are arrested have a disability. In Los Angeles,

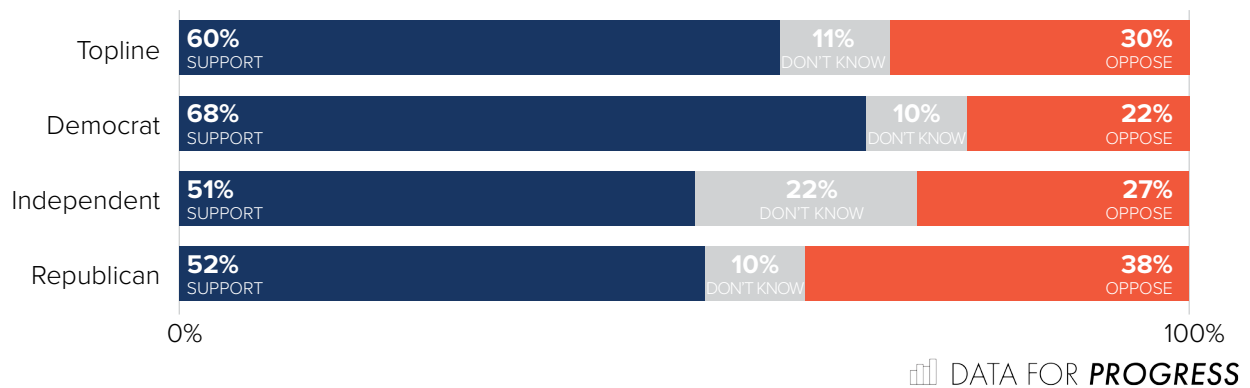
children detained and attending probation schools are significantly behind in reading and math and experience high rates of special education needs. Data collected over a four-year period at Loyola Law School's Juvenile Justice Clinic revealed that education advocacy was required in 73 percent of its delinquency cases.

Youth detained in LA are at an educational disadvantage compared to their peers in the community because they are not being offered the same opportunities. For now, detained youth are completing packets while youth in the community are using technology to access distance learning ([LAUSD announced that it is giving out laptops to students across the district](#), while detention facilities limit access to computers out of fear that youth will misuse or hack the technology). And even if facilities increase access to online learning, they are not equipped to provide equivalent educational opportunities to youth in their care and are not prepared to meet the individualized learning needs of disabled students. Detained youth will fall further and further behind.

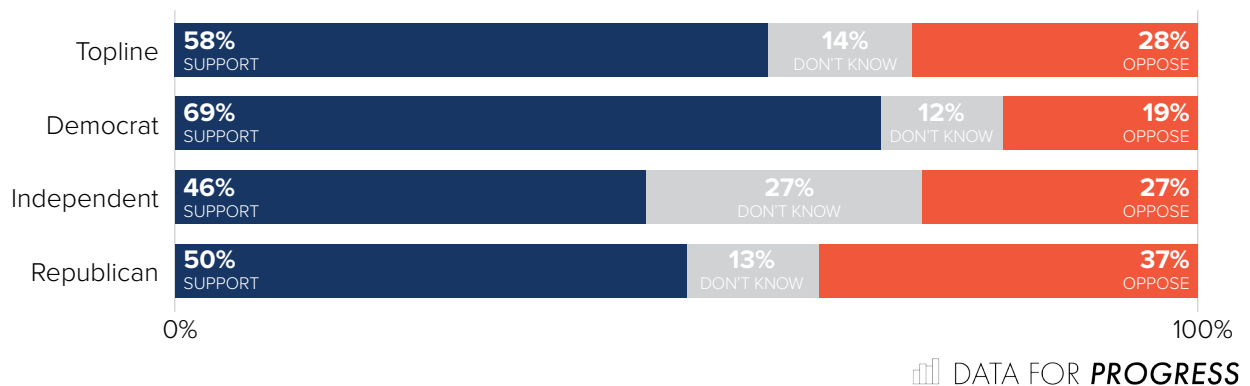
Finally, when youth are isolated, they do not receive the same access to treatment and services. Youth in juvenile halls are being told that they can continue counseling or services remotely and are able to refuse this option. Youth are justly concerned about protecting their privacy while using technology for an activity like counseling, especially when it is being monitored in a facility.

Social distancing inside of an institution is traumatic for youth and restricting family visits only further isolates this vulnerable group of children. Suspension of education and other services in an effort to contain the virus means isolating and further traumatizing detained youth. We must release youth now for their own health and safety and for that of our community.

Do you support or oppose the early release of juveniles unless they are deemed to be a serious threat to public safety whose sentence ends within the next 6 months as a means of limited the spread of Covid-19?



Do you support or oppose a policy that releases juveniles unless they are deemed to be a serious threat to public safety as an alternative to solitary confinement?



POLICY OPTIONS & POLLING

A strong bipartisan majority of voting Americans support simple interventions that protect kids from the pandemic. Sixty percent support releasing juveniles whose sentences end within the next six months, including fifty-four percent of Republicans. Fifty-eight percent of voters prefer early release to solitary confinement conditions imposed on juveniles during a pandemic, including fifty percent of Republicans.

COVER PHOTO
Jordan Whitt/Unsplash

POLLING METHODOLOGY

From March 27, 2020 to March 28, 2020, Data for Progress conducted a survey of 2022 likely voters nationally using web panel respondents. The sample was weighted to be representative of likely voters by age, gender, education, urbanicity, race, and voting history. The survey was conducted in English. The margin of error is ± 2.1 percent.