

States at a Crossroads

Youth Incarceration
Down During Pandemic



Overview

Youth prisons have always been harmful environments for young people but the pandemic poses significantly increased dangers. As of January 8, 2021, at least 3,360 cases of COVID-19 have been identified in youth corrections facilities. More than three quarters of all states reported at least one case.¹ The virus spreads easily from one person to another in congregate care settings and strategies to protect young people—and staff—from the potentially fatal illness are limited. Staff coming in and out of facilities provide daily opportunities to introduce COVID to youth in facilities and/or bring the illness back to their home communities. While some mitigating practices are possible, for example physical separation from those infected, ventilation in these outdated facilities is often inadequate. Further, isolating youth for extended periods, tantamount to solitary confinement, can cause psychological harm.² These increased dangers disproportionately impact youth of color, particularly Black youth, who are five times more likely to be incarcerated than their white counterparts.³ The best way to keep young people safe is to send them home as quickly as possible with community-based supports and services to meet their specific needs.

As we approach a full year in “COVID lockdown,” we know surprisingly little about what state and local corrections agencies are doing to protect incarcerated youth,⁴ although a few data points have emerged. Recent research by the Annie E. Casey Foundation documented a significant decline in *detained* youth. Admissions to detention in Juvenile Detention Alternative Initiative (JDAI) sites were cut in half during the beginning of the pandemic and the overall detained population declined by almost a third.⁵ This is complicated by a follow up survey that documented increases in admissions to detention centers between April and August 2020, reversing the dramatic trend noted at the beginning of the pandemic. These data also indicated that racial and ethnic disparities in the system worsened over this time period.⁶

We know even less about trends for youth prisons and youth sentenced to long-term placements. Data on both the processes and efficacy of state strategies to transition young people home has been difficult to obtain, which has limited the ability to assess sustainability. In order to better understand COVID-19's impact on the youth prison population and contribute to that assessment, Youth First collected original data on youth incarceration at the state level (see Box 1 for additional detail on the project methodology). This report summarizes key takeaways and related recommendations.

Methodology

Youth First collected original data for this report. Researchers emailed each youth corrections agency in the 50 states as well as the District of Columbia and requested monthly population counts of youth held post-adjudication between December 2019 and October 2020. Researchers did not require a specific calculation method and therefore data should not be compared between states. Some states provided average daily populations over each month, while others provided a one-day count, most commonly the 1st, 15th, or last day of the month (see Table 1 for details on the methodology each state used). Ultimately, Youth First received responses from **33 states** and were able to effectively assess comparison over time in 31 of them.⁷

1. <https://sentencingproject.org/publications/covid-19-in-juvenile-facilities/>

2. <https://themarshallproject.org/2017/08/01/ending-solitary-for-juveniles-a-goal-grows-closer;>
<https://jlc.org/issues/solitary-confinement-other-conditions;>
<https://aclu.org/report/growing-locked-down-youth-solitary-confinement-jails-and-prisons-across-united-states>

3. <https://www.sentencingproject.org/publications/racial-disparities-in-youth-incarceration-persist/>

4. <https://backend.nokidsinprison.org/wp-content/uploads/2020/08/NKIP-COVID-19-Policy-Paper-4P.pdf>

5. <https://www.aecf.org/blog/covid-19-juvenile-justice-survey-youth-detention-admissions-fell-by-more-th/>

6. <https://www.aecf.org/blog/youth-detention-admissions-increase-after-dramatic-decrease-early-in-pandem/>

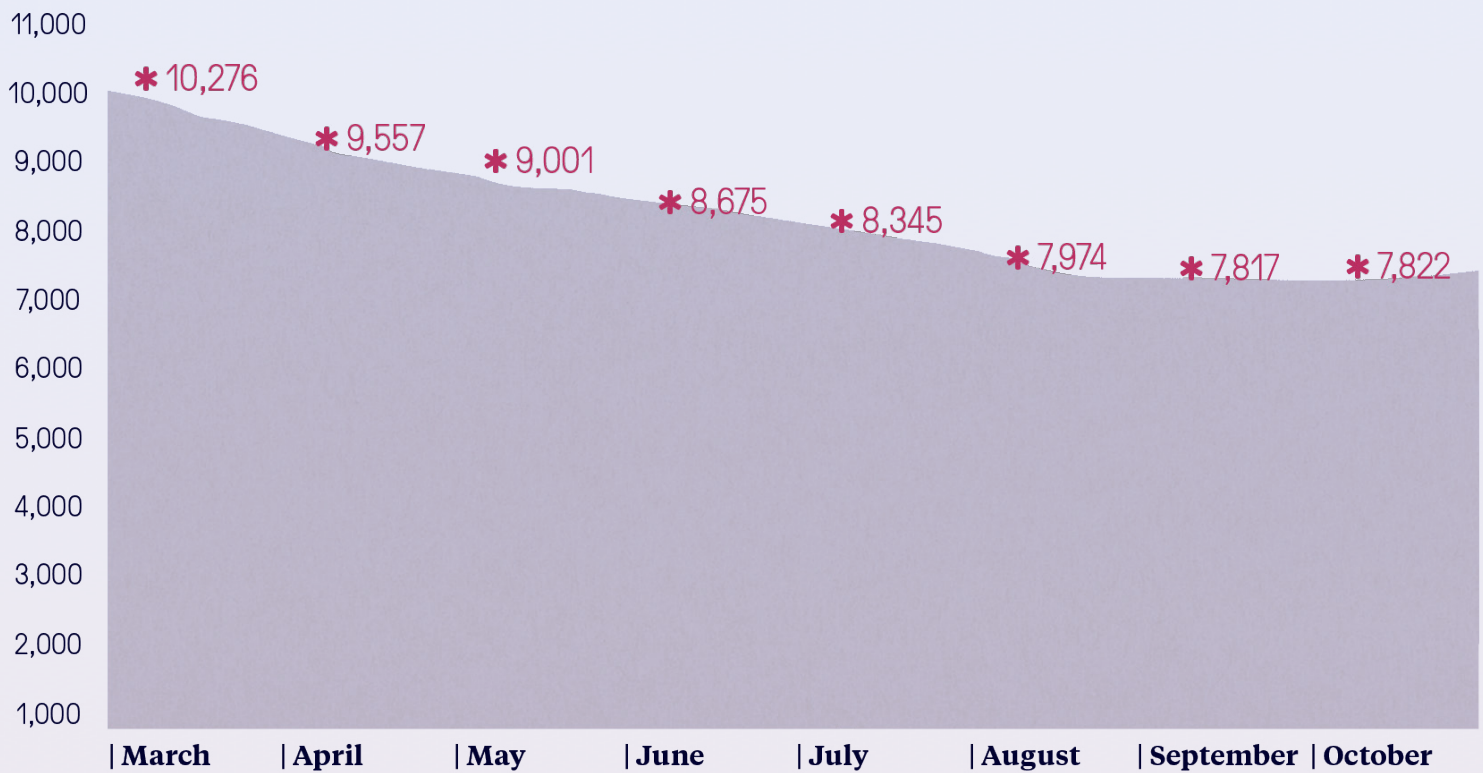
7. Alabama, Arkansas, Idaho, Indiana, Iowa, Maine, Michigan, Missouri, Nebraska, New Hampshire, New York, Oklahoma, Rhode Island, South Carolina, Tennessee, Vermont, Washington, West Virginia, and Wyoming did not provide data to support analysis. South Dakota did respond but was not able to provide a count for the requested population and was therefore excluded.

Findings

The key takeaway from this research is that youth incarceration declined following the national COVID lockdown (See Figure 1). In fact, every state that reported data to Youth First reported that they incarcerated fewer young people in October 2020 than they did in March 2020. In October there were 2,454 fewer youth incarcerated in reporting states than there were in March which represents a 24 percent decline on average from the onset of COVID. The magnitude of the drop varied significantly from state to state, with four states—**Maryland, Mississippi, North Dakota, and Delaware**—seeing youth incarceration cut in half and an additional 13 states seeing declines of 25 percent or more (see table 1 for detailed population data by state).

Figure 1.

Youth Incarceration Decreased 24% Between March and October 2020



Source: Original data collected by Youth First

Note: Data reported by 31 states capturing post-adjudicated youth commitments each month

While these numbers demonstrate that overall youth incarceration has dropped during the pandemic, there is still a critical need to understand why and how. A crisis management response is likely responsible for some of the decrease, while fewer youth entering the system is another probable factor. For example, the state of Maryland implemented policy and practice changes in the face of COVID-19 to actively reduce incarceration in an effort to protect young people, staff, and communities (see Box 2 for an overview of efforts in Maryland).⁸ Studying these responses may yield sustainable tools and strategies for continuing to decrease—and ultimately end—youth incarceration.

Leveraging Opportunity to Transform Juvenile Justice in Maryland

Maryland was one of the first states to respond to COVID with explicit, widespread guidance to reduce youth incarceration. In April 2020, the state’s highest court ordered judges to reduce the use of incarceration with all available tools including both strategies to expedite release for incarcerated youth and limit admissions for new cases. These orders cut their youth incarceration by more than half in less than one year and made modest improvements in racial disparities in facilities.⁹ The state also closed three youth corrections facilities in 2020. They are currently poised to consider recommendations from the Maryland Juvenile Justice Reform Council in the 2021 legislative session, which includes guidance for the Department of Juvenile Services to develop a transition plan to move away from congregate care in favor of community-based services offering a full continuum of support.¹⁰ If recommendations are enacted, COVID could prove to be a pivotal point for the state as it moves away from reliance on incarceration and towards a continuum of support and services for all youth.

8. <http://cjsa.net/wp-content/uploads/2020/06/COVID-19-Issue-Brief-.pdf>

9. <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-youth-detention-maryland-decrease-20200807-szLht6ylfresdia3lmhpf3lsm-story.html>

10. <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf> (see p.10)

Recommendations

Based on these findings, Youth First has distinct recommendations to three sets of stakeholders:

1.) The Office of Juvenile Justice and Delinquency Prevention (OJJDP): Revise federal guidance for youth corrections facilities. In May 2020, OJJDP issued guidance inconsistent with research and best practices, discouraging states from considering expanded release for youth in detention and correctional facilities. Though non-binding, this guidance is recommended practice and must be revised to acknowledge the increased harm to youth incarcerated during the pandemic, affirm the efficacy and cost effectiveness of community-based alternatives for youth, and encourage states to work towards reduction of youth incarceration populations.

2.) Juvenile justice agencies, judges, and governors: Use your full statutory authority to release youth from correctional facilities and halt new admissions. This can be achieved by:

a. Examining all pre- and post-adjudication release processes and mechanisms and begin employing incarceration reduction strategies as quickly as possible;

b. Removing youth from congregate care facilities who have COVID-19 symptoms; chronic illnesses, such as asthma or diabetes; other serious illnesses; or are in need of medical care; and

c. Eliminating all forms of detention or incarceration for youth unless a determination is made that a youth is a substantial safety risk to others.

3.) Local and state juvenile justice agencies: Leverage population reductions to close correctional facilities, identify resulting savings, and invest in community-based continuums of care and opportunity for justice-involved youth. Create pathways to work directly with impacted youth, their families, and communities to create and sustain a continuum of care articulated by their needs.

Conclusion

COVID-19 has wreaked havoc on communities across the country and resulted in hundreds of thousands of deaths. The innovation required to minimize its harm and respond flexibly to new needs has also provided a tangible opportunity to transform youth corrections in America. States are currently at a crossroads and the choices they make will have a significant impact on young people and communities disproportionately affected by incarceration. Now is the time to leverage incarceration declines to build momentum for transformational system change instead of returning to business as usual. This is the moment for juvenile justice agencies to partner with communities, rethink possibilities for young people, and embrace more efficient and effective community-based interventions for all youth.



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Table 1.
Detailed Population Data by State

State	Pop Mar '20	— Apr '20	— May '20	— Jun '20	— Jul '20	— Aug '20	— Sep '20	— Oct '20	Population Count Definitions	Mar v. Oct '20
Alaska	86	77	77	78	73	69	64	63	Adjudicated youth in DJJ facility on 15th of each month	-27%
Arizona	225	221	210	217	219	221	217	208	Youth in secure care on the last day of each month	-8%
California	793	769	766	785	796	764	752	755	CDCR facility count last day of each month	-5%
Colorado	340	329	270	274	276	281	282	284	Secure commitment count first day of each month	-16%
Delaware	37	27	39	36	34	24	22	17	Post-adjudicated youth in secure placement on the 15th of each month	-54%
District of Columbia	40	27	21	23	28	33	26	29	New Beginnings daily population last day of each month	-28%
Florida	1466	1345	1292	1244	1109	1028	1023	1025	Youth in commitment placements on the 15th of each month	-30%
Georgia	377	350	334	320	298	295	290	283	YDC Total Pop on 15th of each month	-25%
Hawaii	28	25	24	21	21	20	22	26	Youth in custody on the 20th of each month	-7%
Illinois	164	120	102	103	123	131	133	130	Overnight facility population on the last day of each month	-21%
Kansas	167	154	139	137	141	141	135	147	Juvenile correctional facility population month end	-12%
Kentucky	107	83	82	67	60	57	61	65	YDC Count on the 20th of each month	-39%
Louisiana	599	577	547	523	525	487	468	475	Youth in secure and non-secure placement on the first of each month (December 2019 - September 2020) and 15th of each month (October 2020-December 2020).	-21%
Maryland	337	289	232	196	184	169	152	147	Monthly ADP, committed youth	-56%
Massachusetts	194	172	152	150	134	132	124	108	Monthly ADP, post-adjudicated youth in secure placement	-44%

Minnesota	78	73	71	69	62	66	64	68	Minnesota Correctional Facility - Red Wing juvenile population on the 15th of each month	-13%
Mississippi	51	29	29	29	27	25	18	21	One-day count of post-adjudicated youth in secure placement	-59%
Montana	33	27	27	24	29	26	24	22	Month end secure youth	-33%
Nevada	170	150	156	153	153	148	149	143	State youth facility population last day of each month	-16%
New Jersey	303	284	274	252	239	227	234	236	Youth in out of home placement on the first of each month (or first Monday)	-22%
New Mexico	114	124	127	124	121	115	105	108	Population of youth in secure facilities operated by the Children, Youth, and Families Department on the 15th of each month	-5%
North Carolina	185	178	163	151	151	149	146	150	Total committed youth population on the 15th of each month.	-19%
North Dakota	48	35	29	32	27	24	18	20	Population count on the first of each month	-58%
Ohio	457	448	431	407	385	366	362	364	ADP for each month	-20%
Oregon	505	495	487	471	459	450	445	439	Youth in OYA custody on the first of each month (youth in residential commitment in state custody)	-13%
Pennsylvania	1616	1461	1343	1259	1220	1127	1091	1098	Youth in out of home placement on the 15th of each month	-32%
Texas	790	742	719	698	640	608	605	592	State-operated secure facility population end of each month	-25%
Utah	102	99	93	83	75	74	73	74	Juvenile justice nightly secure care enrollment on the last day of each month	-27%
Virginia	340	317	281	262	254	247	245	245	ADP youth in direct care each month	-28%
Washington	424	440	408	400	403	396	400	410	Youth in residential placement on the 1st day of each month	-3%
Wisconsin	100	90	76	87	79	74	67	70	Youth in secure placement on the last day of each month	-30%

Note: As the count definitions show, states used different methods to calculate monthly counts and underlying youth populations are not identical. Data should not be compared between states.

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The Youth First Initiative is a national campaign to end youth incarceration and invest in community-based supports, services and opportunities for youth. Youth First seeks to achieve a tipping point in ending youth incarceration and shifting resources towards investments in youth in their communities. The initiative is fiscally sponsored by the New Venture Fund, a 501 (c) 3 charity.



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