



March 19, 2020

Dear Youth Justice System Stakeholders,

As Michigan undertakes critical steps to stop the spread of the COVID-19 virus by closing schools, canceling events, and supporting young people in their homes, one group of extremely vulnerable children is being left behind: youth who are in custody.

Michigan confines hundreds of youth in locally operated detention centers, two state-operated secure care facilities, and a number of private residential facilities. Like cruise ships and nursing homes, youth facilities are inherently high-risk environments where the disease can spread quickly. Young people are housed closely together in units or dormitory-style housing, precisely the kind of conditions that have led to the closure of universities all over the country. While confined, youth are not able to participate in the proactive measures recommended by the CDC to keep themselves safe, such as social distancing, frequently washing hands, or staying in sanitized spaces. When traveling to and from court, hearings or legal appointments, it is harder to stop the spread of a virus while handcuffed or shackled.

To reduce the risk of transmission, facilities have had to cancel all family visits. A 2014 study by the University of Michigan Child and Adolescent Data Lab found that “75% of juvenile detainees (in Michigan) met the diagnostic threshold for at least one mental health disorder”, with 33% reporting a major depressive episode, and 10% meeting the criteria for post-traumatic stress disorder. Isolating children from their families is traumatic at best, and for youth with mental health concerns, it can have disastrous consequences.

Further, youth detention and residential facilities are unlikely equipped to meet the medical needs of youth if a COVID-19 outbreak inside these facilities should occur. Youth will not have many options to stay away from others if they become ill and there are limited infirmary beds. If staff become ill, it will be difficult to provide care and support to youth, and if lockdowns are utilized, that will only intensify virus infection rates. **We have spoken with several juvenile courts who have safely reduced the number of confined youths this week, and moved to a remote reporting system for youth on probation. We congratulate them on their efforts.**

To stave off a public health emergency in our youth detention and residential facilities, we must continue to immediately and dramatically reduce the number of children who are incarcerated. For those who remain in custody, we must do all we can to protect their health, safety, and constitutional rights. **To that end, we call on state and local officials, law enforcement, courts, and youth detention and residential facilities, to take swift action based on your purview:**



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- 1. Law enforcement should decline to make an arrest for minor disciplinary issues.**
 - a. If an arrest must be made, law enforcement agencies should take full advantage of the option to counsel and release the youth to their parents/guardians.
 - b. If they must be detained, youth should be released from detention as quickly as possible.

- 2. Immediately halt new admissions to youth detention and residential facilities and initiating the removal of youth from those facilities, by:**
 - a. Examining all pre- and post-adjudication release processes and mechanisms and begin employing these as quickly as possible;
 - b. Removing youth who have COVID-19 symptoms, chronic illnesses, such as asthma or diabetes, other serious illnesses, or are in need of medical care;
 - c. Eliminating any form of youth detention and residential facility placement for youth unless a determination is made that a youth is a substantial and immediate safety risk to others.

- 3. For youth who must remain in confinement, facilities must reduce the risk of exposure without compromising children's safety, mental health or legal rights, by:**
 - a. Providing written and verbal communications to youth on COVID-19, access to medical care, and community-based supports;
 - b. Using video conferencing to ensure access to:
 - i. Family
 - ii. Education; and,
 - iii. Legal counsel;
 - c. Guaranteeing access to unlimited, free phone calls.

- 4. For youth who will be released from custody, facility staff must ensure they:**
 - a. Have a place to live;
 - b. Can meet their basic needs;
 - c. Will receive immediate & adequate medical care; and,
 - d. Have immediate access to Medicaid.

- 5. For youth on court-ordered probation:**
 - a. Prohibit out-of-home confinement as an option for technical violations of probation;
 - b. Allow youth to travel and access medical care, stay isolated when necessary, and take care of themselves and their families;
 - c. Eliminate requirements for in-person meetings with their probation officers;



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- d. Place a moratorium on all requirements to attend and pay for court-ordered programming and complete community service requirements.

As a society, we have a shared responsibility to take care of our young people, especially during such a dangerous and unprecedented global pandemic. If we are to have any chance at protecting youth in confinement, facility staff, and the larger community, the time to act is now.

If you have additional questions or need more information, you can reach me by email at: mking@miyouthjustice.org, or by phone at: (517) 482-4161. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads 'Mary King'.

Mary King
Executive Director
Michigan Center for Youth Justice