



# Youth Incarceration During the COVID-19 Pandemic: Family Insights

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# Acknowledgements

This publication was developed and produced collaboratively by the *Center for Children's Law and Policy, Justice for Families*, the *Justice Policy Institute*, and the *National Juvenile Justice Network* as part of an effort to identify, assess, and share with the youth justice field replicable policy and practice changes that led to a decrease in youth incarceration following the onset of COVID-19.

This research was funded by the *Annie E. Casey Foundation*. We thank them for their support but acknowledge that the findings and conclusions presented in this report are those of the author(s) alone, and do not necessarily reflect the opinions of the Foundation. Special thanks go to Jeannette Bocanegra, Sue Badeau, and Samantha Harvell for convening and facilitating the virtual discussion and drafting this brief. We would also like to thank each of the parents who participated in the conversation sharing their time, their personal experiences, and their unique insights which formed the basis for the recommendations included in this brief.



# Youth Incarceration During the COVID-19 Pandemic: Insights from Impacted Families

## METHOD

On September 23, 2021, a diverse group of parents came together from across the United States to discuss the impact of the COVID-19 pandemic on their justice-involved children. They shared their experiences and critical insights into the realities of the youth justice system during the pandemic, as well as recommendations for improving policy and practice. While the session was broadly framed, many of the participants shared the experience of having a child incarcerated during the pandemic which focused the conversation on that topic. This document summarizes key findings from the discussion and recommendations for state and local policymakers who want to create safer, healthier environments for justice-involved youth and promote better outcomes for young people, their families, and their communities.

## FINDINGS

Participants flagged several challenges justice-involved youth and families experienced during the pandemic; these challenges magnified existing problems that need long-term solutions. These included:

### **Contact with families was severely disrupted for incarcerated youth following the onset of COVID-19.**

Youth, parents, and caregivers were out of communication early in the pandemic as facilities ended in-person visitation to limit exposure and took time to create virtual alternatives. Once virtual calls were possible, calls were often much shorter than typical visitation sessions (e.g. 15 minutes vs. 45 minutes or an hour) and technological challenges on both sides (parents/caregivers and facilities) often resulted in failed attempts or cut conversations short. One parent used the phrase “no visit depression” to describe her son's demeanor once she was able to meet with him virtually.

Another parent shared, “When my bonus son calls he said often, [I'm] not sure if I will talk to you again so please check on - [and] he will list names. How are we treating our young people/adults in prison when they are thinking that the only time you talk to someone you are saying GOODBYE?” Finally, another parent described how calls with her son would frequently drop within

seconds of starting. Her son was calling in a frantic state, was not clear what was happening, and begging his mother to help him but she did not have the information or resources she needed to support him from afar. The lack of in-person visitation also cut off contact with other family members, particularly siblings, or extended family members who do not live in the same household such as grandparents, which was difficult for many youth and their brothers and sisters. The absence of in-person visits prevented caregivers from seeing and hugging their children, which is critical to ongoing support during a traumatic time. Even now as we enter the third year of the pandemic, many facilities have not yet resumed in-person visits.

### **Facility communication with parents about their children's health and whereabouts was poor following the onset of COVID-19.**

Parents were not always informed when their children were tested for COVID, whether test results were positive, whether their children were hospitalized, or whether they were moved within or between facilities. Several parents reported receiving a frantic call from a child who did not understand what was going on and if they were safe, and then no follow-up for days or weeks, leaving them to wonder about their child's experience, physical health, and mental state. One parent reported that, "When my son had COVID, over 200 other also tested positive at the same time and families were not notified. And then they were isolated in their cell with no showers even, never mind phone calls, exercise, etc."

### **Isolation significantly increased following the onset of COVID-19 as facilities implemented safety precautions to prevent the spread of the illness.**

The negative impacts of isolation on young people are well documented. In some cases, all youth were placed in isolation for 14 days or more, and when one youth (or staff) tested positive – an incredibly frightening development while incarcerated – they had to be quarantined for extended periods of time. Isolation not only increased the trauma impact, it also caused interruptions in education, in non-COVID health and mental health, and in recreational services, as well as changes in food and mealtime experiences. One parent also offered a call to action now saying, "We're in this NOW; we are not post-pandemic and seclusion is trauma."

**COVID-19 impacted court processes and led to increased length of stay for some young people.** In most localities, pending hearings were postponed or continued, which increased the amount of time youth were incarcerated awaiting trial or final dispositions. In addition, virtual hearings, though occasionally more

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accommodating for families, were not able to guarantee privacy and sometimes required parents to share intimate details with others awaiting hearings. One parent shared, "I went to the court [for my son who had a court case being heard], was told to talk on Zoom, and everyone heard all my family info. It is one thing to have others hear you when you go into the courtroom...but this was for EVERYONE to hear. It was and continues to be a nightmare!"

### **Mental health illnesses and disorders increased during the pandemic, which disproportionately impacted justice-involved youth.**

Several parents noted that young people struggled to access medication and other treatment in facilities during the pandemic. Youth and families also needed additional community-based services and supports.

### **COVID-19 disrupted educational opportunities for young people in placement.**

In response to the pandemic, classes and job training sessions were stopped in many facilities for long periods of time, and virtual alternatives were never set up. Agencies were not held to the same standard as parents in the community, who were threatened and even referred to child services when children were not attending or actively participating in virtual learning.

### **Several parents noted that the pandemic led to increased incarceration of young people in the foster care system when alternatives were not available.**

Placement options during the pandemic were severely limited and resulted in incarceration for some foster care youth with no criminal involvement and/or with status offenses.

### **Justice-involved youth who were not incarcerated often struggled to access needed services in the community.**

Some young people were released home with very little discharge planning. In addition, schools and resource centers were shut down due to the pandemic, making it very difficult for young people and their families to access the care they needed, particularly undocumented youth. Young people and their families need trauma support now more than ever and struggle to access community-based programs, particularly in rural areas with limited services.

As one parent shared, "...[my son] wasn't detained during COVID because his suspended sentence ended at the beginning of the lockdown last spring. However, the lack of prosocial activities available did affect him negatively...It was hard to have to provide constant supervision since the schools were closed. All this to say, for kids engaged in the system who weren't being detained things were still challenging. They didn't get the services they needed."

### **COVID-related staffing shortages intensify problems.**

Parents noted that staffing shortages impact every aspect of health and safety in facilities. Several also noted that vaccination requirements have exacerbated staffing shortages that already existed in many places.

## RECOMMENDATIONS

Parents provided several insightful recommendations to better support justice-involved youth and families going forward, including:

### Create a family liaison in youth facilities.

Having dedicated staff in facilities to manage communications and help families and young people navigate incarceration at all times, and especially during times of crisis, would significantly improve parent/caregiver experiences and strengthen and promote ongoing support for young people. Ideally, these staff people would be able to support young people and their families for at least six months following release, as this liaison can also provide critical continuity as youth transition back to the community and provide a bridge to community-based supports and services. Several parents noted that the liaison must be a trusted community member, ideally directly impacted by the justice system, who is seen as a credible messenger to youth and caregivers.

### Prioritize in-person visitation.

Parents understood the need to limit exposure but also underscored the need for young people to connect with their caregivers, siblings, and other support people. As one parent argued, "Our children are not perfect but...they should be able to receive the full support from their mother. They don't always make the right decisions but as mothers we support them 100% and no one else can do that." They urged that facility staff maintain opportunities for in-person parent and family visitation even during times of crisis and to think creatively if needed to ensure access (e.g. setting up visitation outside or schedule one-on-one meet ups rather than group sessions).

### Increase medical personnel in facilities.

Given the critical importance of ensuring continuity in medication administration and medical care for youth in congregate settings during a public health crisis, parents underscored the need to ensure that youth have access to high quality medical care by certified nurses, nurse practitioners, and therapists.

Participants encouraged agencies to aggressively pursue funding opportunities to support additional capacity, including funding from the American Rescue Plan Act of 2021. Parents underscored the need for medical care, not necessarily medication. As one parent urged, "... we are not asking for a push of medication, we want CLEAR medication attention and nutritional support for our loved ones!"

"That support needs to continue beyond the end of [the] youth's sentence - once supervision is over kids have less incentive to stay out of trouble; he needs to hold it together for 3 years to get records sealed - that is a lifetime for kids and he needs support in this longer term."

### **Increase oversight and accountability in facilities to ensure compliance with public health requirements.**

Parents recommended an outside oversight body monitor facilities to ensure that they comply with additional cleaning, testing, and social distancing protocols recommended by the CDC to prevent the spread of COVID-19. One parent also noted that little information was provided to incarcerated youth about the COVID-19 vaccine, and many opted not to be vaccinated because they did not know whether it was safe and were not able to consult with parents and other caregivers when they had to make decisions. It is important to ensure that young people can access information and consult with parents about health decisions, including vaccination.

“I also believe that COVID made worse many things that were already bad - lack of wraparound care for families, lack of follow up after sentences are complete, etc...I think having a caring caseworker and family support specialist is super helpful.”

### **Maximize opportunities for, and expedite release from, facilities.**

Given the added public health risk to people in congregate settings during this pandemic as well as other less widespread crises, parents unanimously called on agencies to explore all opportunities to promote and expedite release, with individualized and robust support, of young people from facilities, particularly those who have not yet been adjudicated and proven to have committed a crime.

### **Expand community-based mental health, trauma, and healing supports for youth and families.**

Parents also flagged an increased need for mental health, trauma, and healing supports for justice-involved young people and their families. This is always true and is magnified during the pandemic era. The COVID-19 pandemic has exacerbated existing issues and inflicted additional trauma that communities will be working through for years, and existing support services in most localities are not sufficient to meet the need. Parents also underscored the need to provide services to the entire family to meet their needs and ensure that caregivers can support young people in their own growth and development. In addition, families and youth need support for accessing multi-sensory and culturally responsive approaches to trauma healing, resilience, and well-being, rather than a narrow focus on clinical approaches or psychotropic medications alone.

### **Create community-based parent/caregiver peer supports.**

Several participants in the family roundtable shared that peer supports had been a very helpful resource for them and encouraged agencies to create and invest in peer-support services for both caregivers and young people returning home. They underscored that it was important that those individuals were independent from the court to build trust and that those services be able to extend beyond a youth's formal justice involvement to provide needed long-term support to stay on the right track. As one parent so aptly argued, “I really believe it would pay for itself. If families are well supported, they can support their youth, and they will be less likely to reoffend.”

In 2020, four national research and advocacy organizations — the [Center for Children's Law and Policy](#), [Justice for Families](#), the [Justice Policy Institute](#), and the [National Juvenile Justice Network](#) — came together to study state and local policy and practice changes that effectively reduced reliance on youth incarceration during the COVID-19 pandemic. The collaborative will release a series of publications that illustrate how agencies across the country can safely reduce reliance on youth incarceration and invest in more effective community-based strategies to support justice-involved youth and families. This research was funded by the [Annie E. Casey Foundation](#). We thank them for their support but acknowledge that the findings and conclusions presented in this report are those of the author(s) alone, and do not necessarily reflect the opinions of the Foundation.

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