

December 1, 2021

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814
Fax: (916) 558-3160

RE: New COVID-19 surge at the Division of Juvenile Justice (DJJ)

Dear Governor Newsom:

The Division of Juvenile Justice (DJJ) is in the midst of a dangerous new COVID-19 outbreak. Currently, 52 youth are infected with the virus and another 237 have already tested positive.¹ All told, the equivalent of almost 45 percent of DJJ's current population is known to have had COVID-19. This latest surge, though tragic, was predictable. Just 64 percent of DJJ staff are vaccinated against COVID-19 and many interact with youth without wearing a mask.² These continued failures are a call to action. The state must step in to prevent further outbreaks by significantly reducing DJJ's population and improving conditions for the youth who remain.

COVID-19 has spread quickly through DJJ due to its cramped, prison-like conditions, including open dormitories. We now know that COVID-19 is easily transmitted in poorly ventilated indoor spaces, like living units or day rooms.³ We also know that the virus can have severe and lasting effects on young people. Children and youth around the world have died or been hospitalized after developing an inflammatory condition that can result from COVID-19,⁴ and, as of November 17, 2021, more than 5,000 young people under the age of 30 had died of COVID-19 in the United States.⁵ Youth who survive a serious infection may face a lifetime of health repercussions, such as irreversible damage to their lungs, heart, or brain.⁶

In addition to its physical risks, each new COVID-19 outbreak puts youth at risk of psychological harm. DJJ administrators rely on restrictive lockdowns as a first line of defense against new cases. This includes nearly around-the-clock isolation in cells as well as limitations on youths' access to school, recreation, or programming.⁷ Research has shown that this kind of extended isolation takes a profound emotional toll on young people.⁸

¹ California Department of Corrections and Rehabilitation. (2021). Division of Juvenile Justice. At: <https://www.cdcr.ca.gov/juvenile-justice/pandemic-response/>.

² California Department of Corrections and Rehabilitation. (2021a). CDCR Vaccination Tracker. At: <https://www.cdcr.ca.gov/covid19/population-status-tracking/>.

³ Centers for Disease Control and Prevention (2021). Scientific Brief: SARS-CoV-2 Transmission. At: <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/sars-cov-2-transmission.html>.

⁴ Centers for Disease Control and Prevention. (2020). Multisystem Inflammatory Syndrome in Children (MIS-C) Associated with Coronavirus Disease 2019 (COVID-19). At: <https://emergency.cdc.gov/han/2020/han00432.asp>.

⁵ Centers for Disease Control and Prevention. (2020). Weekly Updates by Select Demographic and Geographic Characteristics: Provisional Death Counts for Coronavirus Disease 2019 (COVID-19): Updated November 17, 2021. At: https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/index.htm.

⁶ Mayo Clinic. (2021). COVID-19 (coronavirus): Long-term effects. At: <https://www.mayoclinic.org/diseases-conditions/coronavirus/in-depth/coronavirus-long-term-effects/art-20490351>.

⁷ Center on Juvenile and Criminal Justice. (2020). DJJ Fails to Protect Youth Amid COVID-19 Pandemic. At: <http://www.cjcj.org/news/13019>.

⁸ Barnert, E.S. (2020). COVID-19 and Youth Impacted by Juvenile and Adult Criminal Justice Systems. *Pediatrics*, 146(2). At: <https://publications.aap.org/pediatrics/article/146/2/e20201299/36868/COVID-19-and-Youth-Impacted-by-Juvenile-and-Adult>.

Since the start of the pandemic, DJJ has withheld vital public health information, including the location of its largest outbreaks. This has left families in the dark and fearing for the safety of their youth. DJJ is now the only correctional system in the state, either juvenile or adult, that does not report facility-specific statistics, and it remains out of step with state-run youth correctional systems in states like Florida, Texas, New Jersey, and Maryland, which report detailed public health data by location.

This latest DJJ outbreak comes amid a new stage in the pandemic. Despite a better understanding of how the virus spreads and how it can be stopped, caseloads are climbing nationwide and dangerous new strains are making COVID-19 more transmissible than ever before. As winter approaches, it is the responsibility of our state leaders to use this new knowledge to save lives and reduce the harmful collateral effects of future outbreaks. This duty is greatest in congregate settings, like DJJ, where Californians are living at heightened risk.

DJJ must shrink its population in order to reduce the need for isolation and keep youth safe from COVID-19. Given DJJ's antiquated design and communal living units, it is impossible for youth to maintain safe physical distances. In recognition of the dangers of congregate settings, California has released thousands of adults from CDCR institutions under your leadership. Yet DJJ's youth were excluded from these opportunities, leaving hundreds of young people in harm's way. To safeguard the mental health and physical well-being of youth, we urge the following immediate actions:

- Meaningfully reduce DJJ's population by offering early release to youth who are within six months of their parole date and/or youth who are medically vulnerable;
- Report COVID-19 data by facility, including vaccination statistics for youth and staff, testing numbers, and a timeline of positive and negative results dating to March 2020;
- Provide all youth and staff with adequate PPE and strictly enforce staff mask-wearing requirements;
- Require staff to meet the same threshold for entering the facilities as outside visitors⁹ (full vaccination or a negative COVID test within the past 72 hours); and
- Provide youth and staff with high-quality educational information about the benefits of vaccination.

Following its first reported COVID-19 case last June, DJJ was slow to implement basic safety precautions, such as enforced mask-wearing, universal testing, or a halt to intake.¹⁰ The result was a series of fast-moving outbreaks that put hundreds of youth and staff at risk. DJJ's mishandling of its earliest outbreaks serves as a warning today. State leaders must respond quickly to ensure that youth are kept safe – both from the virus and the devastating effects of isolation. We urge swift action that prioritizes transparency, commonsense public health measures, and population reduction.

Sincerely,

ACLU California Action

All of Us or None

Alliance for Boys and Men of Color

Anti-Recidivism Coalition

Arts for Healing and Justice Network

Larkin Street Youth Services

Legal Services for Prisoners with Children

Margaret Brodtkin, Funding the Next Generation

MILPA

National Center for Youth Law

⁹ California Department of Corrections and Rehabilitation. (2021b). Visiting During COVID-19. At: <https://www.cdcr.ca.gov/juvenile-justice/visiting-during-covid/>.

¹⁰ Center on Juvenile and Criminal Justice. (2020). DJJ Fails to Protect Youth Amid COVID-19 Pandemic. At: <http://www.cjcj.org/news/13019>.

Asian Prisoners Support Committee
Alameda County Public Defender's Office
C.O.P.E. Organized for Prophetic Engagement
California Youth Connection
Californians for Safety and Justice
Center on Juvenile and Criminal Justice
Ceres Policy Research
Children's Defense Fund
Club Stride Inc.
Communities United for Restorative Youth Justice
Community Justice Network for Youth
Dignity and Power Now
Ella Baker Center
Fresh Lifelines for Youth
Fresno Barrios Unidos
Fresno County Public Defender's Office
Gathering for Justice
Huckleberry Youth Programs
Human Rights Watch
Humboldt County TAY Collaboration
Immigrant Legal Resource Center
Impact Justice
John Burton Advocates for Youth
Just Cities
Justice Reinvestment Coalition of Alameda County
La Defensa
National Compadres Network
National Institute for Criminal Justice Reform
Pillars of the Community (San Diego)
Public Health Justice Collective
Reform LA Jails
Restoring Justice for Indigenous Peoples
Root & Rebound
RYSE Youth Center
Safe Return Project
San Diego Youth Will
Santa Cruz Barrios Unidos
Sigma Beta Xi
Silicon Valley De-Bug
SIREN
The W. Haywood Burns Institute
Trans Latin@ Coalition
UCLA Law COVID Behind Bars Data Project
Underground Grit
Urban Peace Movement
Young Women's Freedom Center
Youngsters for Change
Youth Alive!
Youth Forward
Youth Justice Coalition

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