

CALIFORNIA'S DIVISION OF JUVENILE JUSTICE FAILS TO PROTECT YOUTH AMID COVID-19



Maureen Washburn, Policy Analyst
 Renée Menart, Communications and Policy Analyst
 Center on Juvenile and Criminal Justice

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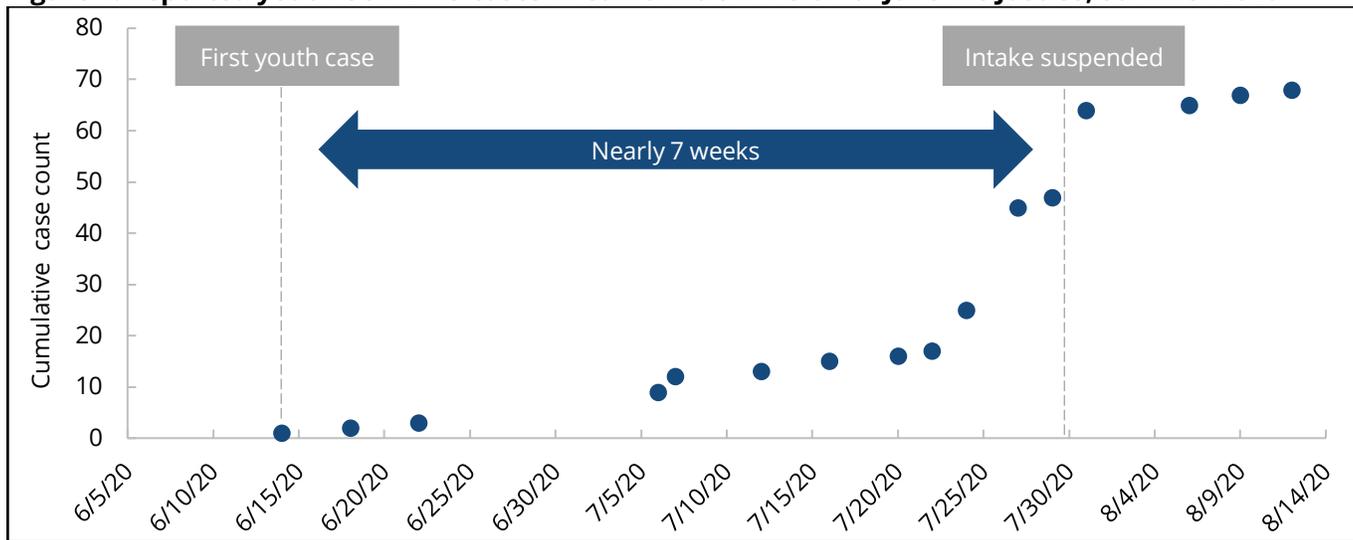
Fact Sheet

Introduction

As COVID-19 cases surge worldwide, young people in California’s state-run youth correctional system, the Division of Juvenile Justice (DJJ), remain at high risk of contracting the deadly virus.¹ During a first-wave outbreak in June and July of 2020, DJJ was unable to control COVID-19’s rapid spread, resulting in the infection of one in twelve youth (Figure 1) (CDCR, 2020).² By the end of the summer, DJJ had one of the highest coronavirus case counts in the nation, with its Ventura Youth Correctional Facility (“Ventura”) ranking sixth among over one thousand youth facilities (Rovner, 2020). COVID-19 spread quickly through DJJ due to its cramped living conditions and slow, inadequate responses to the emergency. The system’s failure to curb an initial outbreak serves as a warning. DJJ’s second COVID-19 crisis could be catastrophic, endangering youth, staff, and nearby communities. California must heed the lessons of this summer to ensure that youth are kept safe – both from the deadly virus and the devastating effects of isolation.

December 15, 2020 Update
 COVID-19 has returned to DJJ. The state began reporting new youth cases mere days after CJCJ published this fact sheet. A major second-wave outbreak is now ravaging several facilities, including at least one open dormitory living unit. In total, 15 percent of the DJJ population have tested positive for the virus, including 49 youth who tested positive in the weeks since publication. DJJ’s high population density, open dormitories, and poor treatment of sick or quarantined youth are placing hundreds at risk.

Figure 1. Reported youth COVID-19 cases in California’s Division of Juvenile Justice, Summer 2020



Source: CDCR, 2020; Fremon, 2020. Note: Some intermediate data points may be missing as data needed to be retrieved and recorded manually from DJJ’s website on a daily basis.

¹ This report was amended on December 15, 2020 to include data on DJJ’s second COVID-19 outbreak, which began in late November.
² At the time of publication (November 12, 2020), approximately 9 percent of youth (70 out of 768) and 51 staff had tested positive (CDCR, 2020; 2020a; 2020b). However, within one month (December 14, 2020), DJJ was reporting 49 new cases, bringing its total to 119 or nearly one in six youth in the institutions.

DJJ, and the state prison system that oversees it (The California Department of Corrections and Rehabilitation), cannot afford to repeat the summer’s significant missteps. State errors contributed to 91 deaths and over 20,000 coronavirus cases among incarcerated adults, confined youth, and prison staff (CDCR, 2020c; 2020a; 2020). An appellate court has sharply criticized the state prison system’s “deliberate indifference” in the face of rising COVID-19 cases and ordered San Quentin State Prison to halve its population (In re Von Staich, 2020). As the prison system scrambles to respond to the pandemic in its adult institutions, it must also address the failings within its youth division. Only after adopting science-based prevention measures and reducing population density can DJJ begin to offer basic protections to its youth.

This fact sheet reports on DJJ’s handling of a COVID-19 outbreak that took place during the summer of 2020. That crisis, like many health and safety emergencies³ before it, was cloaked in secrecy. DJJ is one of the only correctional agencies in the state of California that does not provide data on COVID-19 cases by facility and has not revealed its testing numbers. In the absence of official information, we rely on alternative sources to construct a picture, however incomplete, of DJJ’s COVID-19 response. This effort was informed by (1) official data, some of which was obtained through a California Public Records Act request, (2) conversations with state leaders and DJJ administrators, and (3) personal accounts collected from family members of DJJ youth, community advocates, attorneys, and current DJJ staff.

Background

DJJ’s four antiquated⁴ facilities hold large numbers of young people in close, communal, and poorly ventilated quarters. The institutions’ prison-like designs, including open dormitory living units, make it impossible for young people to maintain a safe physical distance. Once COVID-19 arrived at DJJ, it spread quickly, mirroring patterns seen in many densely populated adult institutions. One such prison, San Quentin, received attention in the media and at the State Capitol for recklessly transferring incarcerated people and fueling a massive early-summer outbreak (Pohl, 2020). To date, 28 incarcerated people have lost their lives at San Quentin (CDCR, 2020c). Yet amid this well-publicized crisis, DJJ continued to replicate many of the prison system’s failings.

COVID-19 is a life-threatening illness that can sicken people of all ages. There is mounting evidence that young people are susceptible to its worst effects. Without warning, children and youth around the world have developed an inflammatory condition resulting from COVID-19 that has led to hospitalization or even death (CDC, 2020). As of November 4th, 479 young people under the age of 25 have died of COVID-19 in the United States, including two youth under the age of 18 in Fresno County, California (CDC, 2020a; Fresno County, 2020). Those who survive an infection may experience lasting effects, such as irreversible damage to their lungs, heart, or brain (Mayo Clinic, 2020). By failing to act quickly and in accordance with public health guidelines, DJJ put hundreds of young lives at risk.

In the years prior to the pandemic, DJJ was already failing⁵ to rehabilitate youth and provide them with safe living conditions (CJCI, 2013; 2016; 2019; 2020a; Macallair, 2015). The emergence of COVID-19 intensified these failures. During the height of the crisis, DJJ placed some youth in near round-the-clock isolation, ignored others who sought treatment for COVID-19 symptoms, failed to provide adequate alternatives to in-person family visits, and restricted programming that was critical to youths’ progress towards release (Attorney Interview, 2020; Family Interview, 2020; Staff Interview, 2020).

Findings

- **DJJ was slow to adopt public health measures known to reduce the spread of COVID-19.**

Continued intake amid COVID-19 outbreak

As COVID-19 cases were spiking statewide in June and July, DJJ continued to accept new youth into its facilities (CDCR, 2020; State of California, 2020). At least one of DJJ’s earliest confirmed cases of COVID-19 was a youth

³ See, for example, the Pine Grove riot of 2017 (CJCI, 2019), Legionella outbreak of 2019 (Thompson, 2019), and 2019 removal of all statistical reports from DJJ’s website (CJCI, 2020).

⁴ The DJJ facilities were built in 1945, 1962, 1966, and 1991 (CDCR, 2020d).

⁵ With a recognition of DJJ’s failings, Governor Gavin Newsom and the California Legislature developed and enacted a plan for the phased closure of the facilities. Beginning on July 1, 2021, California counties may no longer commit youth to DJJ.

who had recently arrived at DJJ from a county facility (CDCR, 2020e). Nearly seven weeks passed from the discovery of the first youth case on June 14th until DJJ suspended intake into the facility on July 30th (Figure 1) (CDCR, 2020; Fremon, 2020). In the meantime, cases grew quickly, reaching a total of nine in early July, then increasing another sevenfold by the end of that month (Figure 1) (CDCR, 2020; Fremon, 2020).

DJJ's COVID-19 cases continued to rise in the weeks following public outcry over the mismanagement of San Quentin's catastrophic COVID-19 outbreak. State prison officials were found to have transferred incarcerated people into the 168-year-old San Quentin State Prison from other prisons with known outbreaks (Thompson, 2020). With full knowledge of the risks of prison transfer, DJJ continued moving youth into its facilities from juvenile halls⁶ across the state.

Inconsistent use of face coverings

During the COVID-19 outbreak at DJJ, youth and staff members observed some employees walking through the facility or interacting with youth without wearing a protective mask (Family Interview, 2020; Staff Interview, 2020). Even some high-level administrators did not comply with DJJ's face covering guidelines, sending a message to subordinates that they were not required (Staff Interview, 2020). This information is consistent with an investigation by the Office of the Inspector General that found inconsistent mask use by some California prison staff and incarcerated people, a failure they attribute, in part, to poor enforcement by supervisors (OIG, 2020).

The Centers for Disease Control and Prevention (CDC) has made clear that face coverings are a first line of defense against the transmission of the coronavirus (CDC, 2020b). Their primary function is one of "source control," reducing the likelihood that an individual with COVID-19 passes the virus to others. Given that DJJ staff arrive for each shift from outside communities where

COVID-19 is widespread, new cases are likely to originate with them. By tolerating lapses in the use of face coverings, DJJ may have allowed COVID-19 to spread from infected staff to youth.

Inadequate random testing

In the midst of this summer's outbreak, DJJ had still not offered COVID-19 testing to all youth. As of July 22, over a month after the first youth tested positive for COVID-19, less than half of DJJ's youth (about 300 out of 768) had received a test (CDCR, 2020f; CDCR, 2020b). At the time, DJJ prioritized testing for youth who showed symptoms of COVID-19 and those who had been in close contact with someone who tested positive or was presumed positive (CDCR, 2020e). This meant that young people in living units without any confirmed positive cases were unlikely to receive testing unless a youth or staff member in the unit began to show typical symptoms of COVID-19. We heard from the families of two youth who ultimately tested positive for COVID-19 that their sons had to ask repeatedly for a test after experiencing mild symptoms (Family Interviews, 2020). DJJ's delay in testing these youth prolonged their exposure to other young people and placed their living units at risk of larger outbreaks.



⁶ The state did not publish COVID-19 testing data for these local facilities until July 31, one day after it suspended intake into DJJ (CJCJ, 2020b). Prior to the release of these data, most counties were not sharing information about COVID-19 outbreaks in their juvenile halls, leaving DJJ youth and staff vulnerable to new infections during the intake process.

Among the youth who did receive COVID-19 testing, many waited more than a week for results (Family Interviews, 2020).⁷ In a conversation with DJJ Director Heather Bowlds, she acknowledged that the facilities were experiencing a delay in receiving test results due to lab slowdowns that had affected testing across the state (CDCR, 2020g).⁸ However, amid this known challenge, DJJ did not safeguard the health of the larger population by separating youth who were presumed positive. Instead, in some living units, all youth were kept together while awaiting test results. This approach appears to breach the CDC guidelines for correctional and detention facilities, which specify that “while cohorting those with confirmed COVID-19 is acceptable, cohorting individuals with suspected COVID-19 is not recommended due to high risk of transmission from infected to uninfected individuals” (CDC, 2020d).

Youth in close quarters

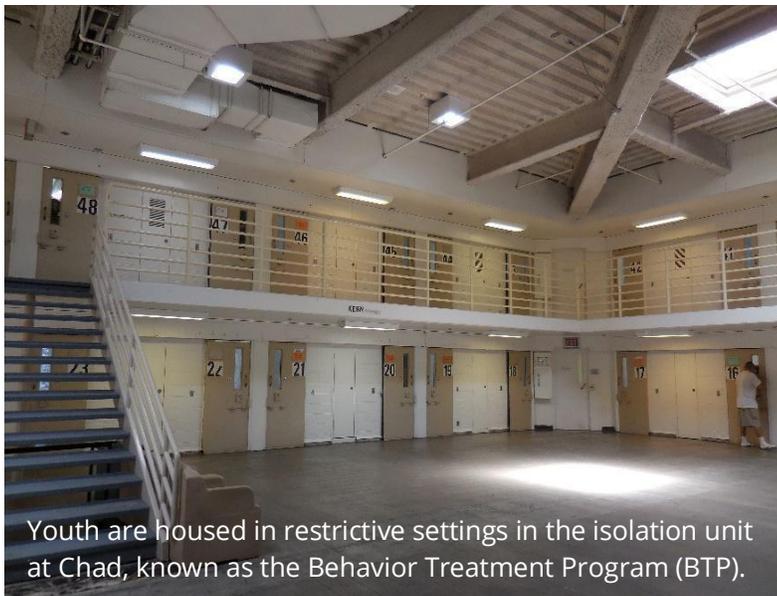
Youth cannot maintain safe physical distancing at DJJ. They must eat, sleep, and pass most of the day in close proximity to others. This is particularly problematic in open dormitory living units where dozens of youth sleep in common rooms and share a bathroom. DJJ’s O.H. Close Youth Correctional Facility (“O.H. Close”) and Pine Grove Youth Conservation Camp (“Pine Grove”) confine youth in open dormitory settings, placing them at high risk of contracting a contagious illness (CJCJ, 2019). An open dormitory living unit at O.H. Close was the site of one of the largest COVID-19 outbreaks at DJJ in early July (Attorney Interviews, 2020; Family Interviews, 2020).⁹ Research on the prevalence of COVID-19 in jails and prisons has found that rates are three times higher in open dormitory locations compared to cell-based living units or facilities (CDC, 2020e). Despite the risks associated with open dormitory units, DJJ maintained a combined population of 254 youth in the O.H. Close and Pine Grove facilities in June of 2020 (CDCR, 2020b).

- **Quarantine conditions are harmful to youths’ health and well-being.**

During this summer’s outbreak, entire living units in DJJ’s three largest facilities were placed under quarantine. Quarantined youth spent long periods of time each day in stiflingly hot cells without access to recreation, programming, or peer interaction (Family Interviews, 2020). Several family members of quarantined youth at Ventura told us that young people were kept in small, one-person cells for up to 22 hours each day (Family

Interviews, 2020; Palomino & Dizikes, 2020). Youth in one such living unit at Ventura organized a hunger strike, demanding that they be allowed out of their cells for reasonable periods of time (Family Interviews, 2020).

Youth at DJJ spent more than half of each day isolated in single cells before COVID-19 even arrived in the facilities. From June 2019 through May 2020, time in cells averaged 13.4 hours per day across the two DJJ facilities that operate single-cell living units — Ventura and the N.A. Chaderjian Youth Correctional Facility (“Chad”) (CDCR, 2020h). Youth in DJJ’s three lock-down units, called the Behavioral Treatment Program (BTP), were isolated for even longer periods of time: approximately 15 hours each day or seven waking hours (CDCR, 2020h).



Youth are housed in restrictive settings in the isolation unit at Chad, known as the Behavior Treatment Program (BTP).

⁷ CDC guidelines recommend that “closed congregate settings” provide rapid test result turnaround in order to contain the spread of COVID-19 (CDC, 2020c). Research has shown that test result delays of even one or two days can lead to “dramatically less control of viral spread” (Larremore et al., 2020).

⁸ During the summer of 2020, California did experience such a delay in test processing as demand exceeded capacity (Galewitz, 2020).

⁹ DJJ officials did not share information about this outbreak with the public. They provided only divisionwide COVID-19 case totals without offering a breakdown by facility or living unit (CDCR, 2020).

These practices are out of step with leading research that shows isolation can have devastating effects on youths’ physical and psychological health (Cloud et al., 2015; Grassian, 2006; Morris, 2015). DJJ’s problematic reliance on isolation — especially amid other COVID-19 stressors — comes at the expense of youths’ health and well-being.

- **Restricted visitation intensifies disconnect between youth and their support network.**

Youth under quarantine are kept apart from their peers inside the DJJ facility and loved ones in their home community. In March 2020, DJJ halted in-person family visitation indefinitely (CDCR, 2020). DJJ began offering video visitation on weekends, limited to one visit per youth (CDCR, 2020i). However, quarantined youth cannot access video visits because they are only available in the former in-person visitation spaces (Family Interviews, 2020; CDCR, 2020e). Denying youth access to visitation contradicts the state’s Youth Bill of Rights, which specifies that DJJ must “maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members, through visits, telephone calls, and mail” (WIC § 224.71).

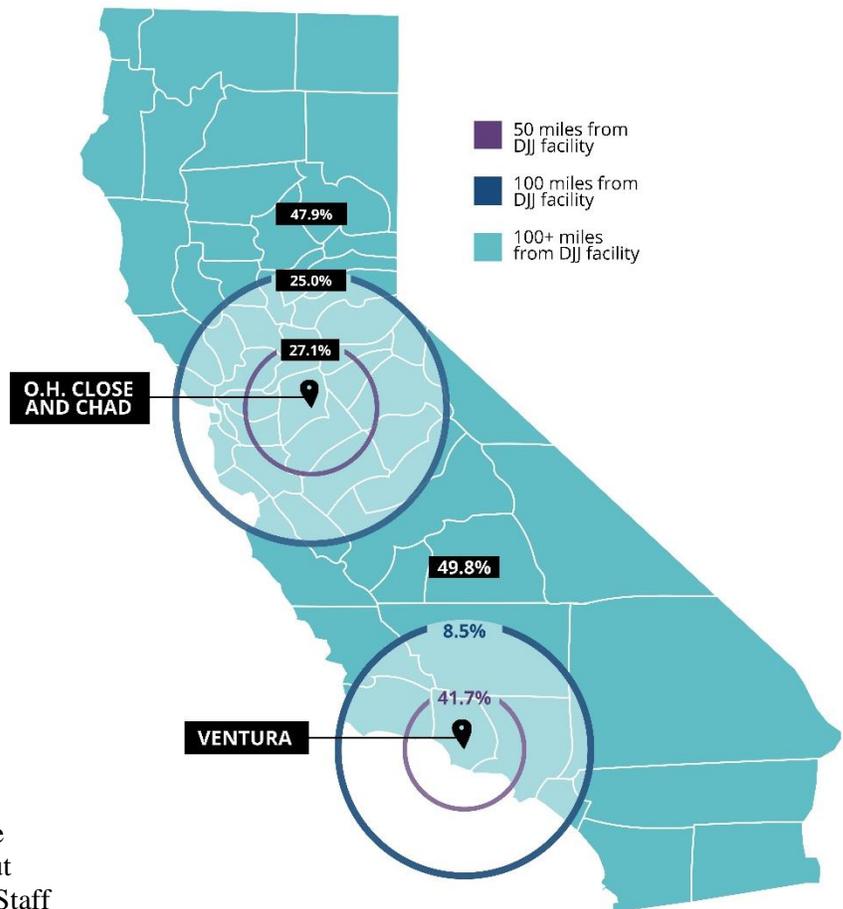
Families already faced serious barriers to visiting DJJ facilities prior to the suspension of in-person visitation. Nearly half of youth are housed in a DJJ facility further than 100 miles from home (CDCR, 2020b) (Figure 2). DJJ’s three largest facilities are located in Stockton and Ventura, far from where most youth live. Long distances from home make travel costly, burdensome, and inaccessible for many families that use public transportation (CJCJ, 2019).

Families rely on phone calls and letters to stay in contact while their child is at DJJ. Recently, family members reported that they received fewer phone calls from young people during periods of quarantine (Family Interviews, 2020). Many youth quarantined in their cells cannot access the phones because they are located in living unit common areas.

Families felt left in the dark about their child’s well-being and COVID-19 status amid the recent outbreak (Family Interviews, 2020). Reportedly, DJJ did not provide some youth who tested positive for COVID-19 with basic information about their condition (Family Interviews, 2020). Staff did not clearly present youth over age 18 with the option to fill out paperwork waiving their medical privacy rights, so DJJ can inform a family member of their condition (Family Interviews, 2020). In certain cases, DJJ did not even notify courts and attorneys that their clients tested positive (Attorney Interviews, 2020).

Failing to inform a youth’s family and attorney in the event of a COVID-19 diagnosis violates Title 9 of the California Code of Regulations, which requires facility administrators to notify “appropriate persons,” such as parents, guardians, and, potentially, the Juvenile Court and the youth’s attorney, in the event of serious illnesses or injuries (9 CCR § 30461). Poor communication with youths’ families and attorneys leaves youth vulnerable and isolated, especially those suffering from serious COVID-19 symptoms or experiencing anxiety due to their diagnosis.

Figure 2. Distance from DJJ facilities to youths’ counties



Source: CDCR, 2020b.

- **COVID-19 has significantly disrupted rehabilitative services and education.**

DJJ halted many programs due to COVID-19 restrictions on youths' movement through the facilities. DJJ Director Heather Bowlds explained in a July conversation that many career technical education programs were suspended or significantly modified (CDCR, 2020g). For example, staff provided paper packets in place of computers to youth who wanted to learn coding. We learned that staff cancelled many youth work opportunities, which left young people without a way to pay required restitution. An attorney reported their client's belief that youth were simply "doing time" watching TV, playing cards, or sitting in their cells (Attorney Interviews, 2020).

In the spring of 2020, teachers distributed packets to youth as the primary means of education. Staff were reportedly being directed to go between living units and meet with youth face-to-face (Staff Interviews, 2020). This contrasts with DJJ administration's claims that youth were participating in "distance learning" (CDCR, 2020). Drastic cuts to educational offerings are particularly concerning given DJJ's poor track record. In 2019, zero youth in DJJ high schools scored proficient in Mathematics and only 8 percent scored proficient in Language Arts (CDE, 2019).

Prior to the COVID-19 pandemic, youth already experienced excessive idle time due to limited opportunities for programming beyond school and work. Rehabilitative interventions are primarily facilitated in group settings by correctional staff, rather than professionals trained in youth development or counseling. The facility's prison-like institutional setting renders these programs ineffective (CJCJ, 2019). Recidivism is disastrously high for youth committed to DJJ with 76 percent of youth rearrested, 51 percent convicted of a new offense, and 29 percent reincarcerated within three years following their release (CDCR, 2019). Youth fare better in smaller, local facilities or community placements rather than large, prison-like institutions (CCLP, 2018).

Conclusion

The spread of COVID-19 inside DJJ threatens the lives of youth, staff, and California's communities. Youth already face serious risks to their health and safety at DJJ amid violent and isolating conditions. In the summer of 2020, DJJ administration continued its longstanding pattern of neglect by failing to act swiftly and in the best interest of youth. The COVID-19 crisis reveals inexcusable deficiencies within DJJ and demonstrates an urgency to plan for its closure as California shifts responsibility for these youth from the state to local alternatives. DJJ's dangerous conditions impact hundreds of youth, particularly Black and brown youth, as the COVID-19 pandemic continues (CJCJ, 2020c). The state must act swiftly to prevent another dangerous outbreak, protect the physical health of youth, and ensure the overall well-being of all young people inside DJJ facilities.

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Please note: Jurisdictions submit their data to the official statewide or national databases maintained by appointed governmental bodies. While every effort is made to review data for accuracy and to correct information upon revision, CJCJ cannot be responsible for data reporting errors made at the county, state, or national level.

Contact: For more information about this topic or to schedule an interview, please contact CJCJ Communications at (415) 621-5661 x. 103 or cjcjmedia@cjca.org.