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November 18, 2021

The Honorable Chyrl Jones  
Acting Administrator  
Office of Juvenile Justice and Delinquency Prevention  
U.S. Department of Justice, Office of Justice Programs  
810 7<sup>th</sup> Street, NW  
Washington, D.C. 20531

Dear Ms. Jones,

We are writing regarding the effect of the COVID-19 pandemic on the young people that are involved with the juvenile justice system. The last 18 months have been filled with challenges for both the young people who are involved with the juvenile justice system and the professionals who oversee our courts and juvenile justice agencies. The struggle against COVID-19 continues at many of our country's secure detention facilities due to challenges in social distancing, testing, and vaccination, which puts both young people and staff at risk of serious illness and even death.<sup>1</sup> Facilities have imposed numerous lockdowns and cancelled furloughs for youth in response to the pandemic, which has resulted in the youth at these facilities having limited access to programming options or family and friends.<sup>2</sup> More generally, as the pandemic continues and over 723,000 people have died in the United States since the start of the pandemic, the young people in these detention facilities have also experienced illness and loss of family and close friends. Recent data from the Department of Health and Human

<sup>1</sup> See Josh Rovner, "Covid-19 in Juvenile Facilities," Sentencing Project, May 18, 2021, available at <https://www.sentencingproject.org/publications/covid-19-in-juvenile-facilities/>.

<sup>2</sup> See Anya Kamenetz, "COVID-9 Lockdowns Have Been Hard on Youth Locked Up," National Public Radio, March 29, 2021, available at <https://www.npr.org/2021/03/29/979986304/covid-19-lockdowns-have-been-hard-on-youth-locked-up>.

Services estimates nearly one in every four COVID-19 deaths results in the loss of a parent or caregiver, with those statistics disproportionately affecting racial and ethnic minorities.<sup>3</sup>

As of March 2021, there were 3,936 known COVID-19 cases in juvenile detention centers (JDCs) across the country; however, this data is limited because many jurisdictions do not report the number of positive COVID-19 cases.<sup>4</sup> In some instances, JDCs have placed juveniles in isolated quarantine for up to 23 hours per day, which in practice, does not differ from solitary confinement.<sup>5</sup> When a justice-involved youth experiences solitary confinement, it can be both a very traumatic and mentally debilitating experience. Media reports also raise concerns about juveniles having limited contact with their families, suspension of education classes, and lack of access to hygiene products and personal protective equipment.<sup>6</sup>

We thank the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for publishing guidance in June 2021 for how juvenile justice facilities can continue to manage their staff and young people as the pandemic continues.<sup>7</sup> At the same time, due to travel restrictions, the toll of the pandemic on staff, supply chain disruptions, and other restrictions on state agency staff, there has reportedly been a decline in the ability to implement the guidelines and conduct oversight at these facilities.<sup>8</sup> This means that states have had limitations in their ability to review whether basic safety measures are being implemented or whether the core protections found in the *Juvenile Justice and Delinquency Prevention Act* (JJJPA) are being carried out. Further, states have faced the threat of penalties and loss of funding by OJJDP for the decisions they have had to make in navigating the COVID-19 pandemic.

The JJJPA is an important tool to ensure that, when these young people are in the care of the state, they are being protected and given the tools they need to lead safe and successful lives upon release from detention. Without proper guidance to navigate the pandemic and conduct oversight, the pandemic poses great danger to our young people and staff as well as limits states' ability to ensure compliance with the law.

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<sup>3</sup> See "More than 140,000 U.S. children lost a primary or secondary caregiver due to the COVID-19 pandemic," National Institutes of Health, October 7, 2021, available at <https://www.nih.gov/news-events/news-releases/more-140000-us-children-lost-primary-or-secondary-caregiver-due-covid-19-pandemic>.

<sup>4</sup> See Josh Rovner, "Covid-19 in Juvenile Facilities," Sentencing Project, May 18, 2021, available at <https://www.sentencingproject.org/publications/covid-19-in-juvenile-facilities/>.

<sup>5</sup> See "Responding to the Needs of Youth Involved with the Justice System During the COVID-19 Pandemic," American Academy of Pediatrics, June 2020, available at <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/responding-to-the-needs-of-youth-involved-with-the-justice-system--during-the-covid-19-pandemic/> (hereinafter "AAP Responding to Needs of Youth").

<sup>6</sup> See *id.*

<sup>7</sup> See "Guidance for Juvenile Justice Facilities During COVID-19 Pandemic," Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Dep't of Justice, June 2021, available at <https://ojjdp.ojp.gov/library/publications/OJJDP-COVID-Guidance-for-Juvenile-Justice-Facilities-June-2021.pdf>.

<sup>8</sup> See e.g., AAP Responding to Needs of Youth, *supra* note 5, and "Complaints Against Texas' Juvenile Prisons Include Violence and Sex Abuse," Edgar Sandoval and Tim Arango, NY Times, October 15, 2021, available at <https://www.nytimes.com/2021/10/15/us/texas-juvenile-centers-investigation.html>.

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As such, we seek information on the following:

1. What has the agency done to ensure that states are able to continue monitoring facilities to ensure young peoples' safety?
2. How has the agency adapted the oversight protocols to monitor facilities in states where staff have not been able to travel to the facilities in order to ensure that states can continue to participate in the JJDP A?
3. How do the new protocols balance adherence to the law with flexibility to address states' limitations due to the pandemic?
4. What guidance and other tools have been provided to states to help them navigate the upcoming December deadline for implementation of the revised jail removal requirement, which prohibits young people from being detained in adult facilities while they are awaiting trial in criminal court unless a court finds that it is in the interest of justice to do so?

Please provide your response no later than two weeks from the date of this letter. Please send all official correspondence and information relating to this request to the Committee's Chief Clerk, Rasheedah Hasan, at [Rasheedah.Hasan@mail.house.gov](mailto:Rasheedah.Hasan@mail.house.gov). If you have any questions, please contact Manasi Raveendran ([Manasi.Raveendran@mail.house.gov](mailto:Manasi.Raveendran@mail.house.gov)) of the Committee staff.

Sincerely,



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**ROBERT C. "BOBBY" SCOTT**  
Chairman

cc: The Honorable Virginia Foxx, Ranking Member