

Impact of COVID-19 on Juvenile Detention

Analysis of efforts to keep justice-involved youth in Michigan safe during a pandemic

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As COVID-19 cases increased across Michigan, protecting the health and safety of young people in juvenile detention centers and other secure facilities became a matter of critical concern. Starting in March 2020, Governor Gretchen Whitmer, the State Court Administrative Office (SCAO), and the Michigan Department of Health and Human Services (MDHHS) each issued multiple orders and communications containing guidance and recommendations for how local courts, juvenile facilities, and other stakeholders should modify their practices to reduce the threat to youth in detention or residential facilities posed by COVID-19. The guidance focused primarily on reducing the number of young people in confinement by limiting placement in detention or residential facilities to only those who presented substantial and immediate safety risks to others.

In response to the pandemic, many juvenile courts increased the use of existing alternatives. This included expanded use of electronic monitoring and intensive community supervision. Other courts worked to increase coordination with community-based systems to provide youth and families with greater access to services. These included mental health treatment and family-focused, wraparound case management. In addition, several courts noted that they had to be more creative in utilizing specialized programming and graduated sanctions in lieu of detention to hold youth accountable.

Public Policy Associates, Inc. (PPA) partnered with the Michigan Center on Youth Justice to conduct a study on the impact of COVID-19 on juvenile detention and secure residential facility populations in Michigan. With support from the Michigan Justice Fund, the study aimed to provide stakeholders with more detail about the numbers and characteristics of the young people who were released or diverted from detention, the young people who remained, and the factors that drove those decisions, as well as information about the degree to which the initial steps to keep youth out of secure confinement have been sustained over time.

To inform the study, the research team asked all secure juvenile facilities in Michigan to provide de-identified facility census data for a ten-month period from December 2019 through September 2020, including demographic characteristics and information on current charges for those juveniles. Twenty of Michigan's 30 secure juvenile facilities provided data for the study, including both detention and secure treatment facilities located in every region of the state. The research team also conducted interviews with 11 juvenile court administrators, who were asked to describe how the use of secure confinement of juveniles has changed since the start of the pandemic, challenges encountered due to the pandemic, lessons learned, and plans for sustaining any of the changes after the pandemic ends. View the full report [here](#).

To learn more about this study or PPA's work on justice issues, contact Robb Burroughs, Director for Justice Policy at rburroughs@publicpolicy.com.



“Regardless of whether or not we’re in the midst of a pandemic, we should always strive to put our kids in the least restrictive environment.

Detainment should only be used for those circumstances when not detaining a youth presents a potential detriment to our communities.”

-Thom Lattig, Juvenile Court Director, Ottawa County



Study Findings

Overall, fewer youth were confined in secure facilities. At the start of the pandemic, between the months of March 2020 and April 2020, the average number of youth confined per day among the facilities in the sample dropped by 16%. By September 2020, the average daily population had decreased by 23% compared to March. Among individual facilities, the magnitude of the reductions varied quite a bit. Between March and April 2020, the average daily population decreased by more than 60% at some facilities and by less than 5% at others. Further, while population numbers through September 2020 remained lower than pre-pandemic numbers for most of the facilities, there were a handful of facilities where the average daily population in September 2020 was similar or even higher than average populations in the months preceding the pandemic.

Efforts to reduce the number of youth in secure facilities had little impact on racial disparities in confinement.

While Black youth account for 17% of all Michigan youth aged 10–17, they accounted for 46% of the youth held in the sample facilities. In the early months of the pandemic, the number of white youth in confinement dropped more quickly than the number of Black youth. As a result, in April and May, the proportion of the youth detention population represented by Black youth increased slightly above pre-pandemic levels. However, by June, the proportion of Black youth was back to about 50% and remained at or below 50% through September.

Among the youth held in secure

facilities, the distribution of the types and severity of the offenses for which they were charged did not change significantly in the months following the start of the pandemic. Feedback from court administrators indicated that most courts, in accordance with guidance from the State Court Administrative Office and the Governor’s executive orders, limited the use of secure confinement to cases where youth presented an immediate threat to public safety. However, based on the data provided by facilities, it appears that the proportion of confinements by type and severity of offense changed very little. In fact, youth charged with status offenses and non-violent misdemeanors continued to represent at least a small proportion of confinements throughout the six months following the start of the pandemic. Conversely, the proportion of confinements specifically involving offenses against persons increased only slightly during the early months of the pandemic. It is important to note, though, that factors beyond the immediate offense, which can influence the level of risk assessed for a young person, were not available in the data analyzed for the study.

Implications

PPA has identified the following questions and recommendations for policymakers and practitioners as they seek to protect public safety and reduce the number of juveniles confined in secure facilities:

Key Questions to Consider

- What do local jurisdictions need in order sustain alternatives to detention

that were implemented in response to the pandemic and shown to be effective?

- Under what circumstances is secure confinement truly necessary to protect public safety?
- In what ways might current policies and practices be perpetuating racial and ethnic disparities within the juvenile justice system?

Suggested Practices and Policies

Continue to emphasize and expand the availability of community-based alternatives to secure confinement. Expand the use of alternatives to secure placements and utilize objective and validated risk and needs assessments to determine the necessity of detention and to identify any required community supports.

Reduce the racial and ethnic disparities in secure confinement. Identify the systemic factors that are resulting in racial disparities in confinement and ensure strategies aimed at eliminating disparities are incorporated into ongoing efforts to reduce the use of secure confinement.

Implement statewide data reporting/analysis to better track youth in placements and to determine if changes implemented during the pandemic have an impact on juvenile justice outcomes.

Establish statewide juvenile justice data policies, procedures, and a centralized data repository in which every county participates. Ensure that every county has the capacity and infrastructure to collect and analyze data in a way that promotes outcome-driven decision-making.

