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January 25, 2022

Kathleen Howard, Executive Director
Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833 (by *Electronic Transmission*)

Re: Renewed Concerns About Covid in Juvenile Facilities

Dear Executive Director Howard:

We write to follow up with you about renewed concerns from juvenile defenders about conditions in juvenile facilities during the current Covid-Omicron surge, and the need for increased BSCC oversight and data collection. These matters were discussed at a January 18, 2022, forum for juvenile defenders.

We held the forum after defenders repeatedly expressed concerns on our statewide listserv. The biggest overall concern voiced at the forum was the extent to which youth in some facilities are essentially in “solitary confinement” because of isolation/quarantine and understaffing due to staff absences. In the reports we received, this situation is compounded by inadequate access to educational and recreational materials or supports. During the forum, defenders reported the following specific occurrences in connection with the Omicron surge:

- Staff bringing the virus into the facility, resulting in youth being quarantined
- Absence of formal policies about what is supposed to be happening with testing and vaccination
- Staff not wearing masks
- Lack of information about how many youth and staff are vaccinated/boosted
- Waiting lists for youth seeking to be vaccinated
- Youth being quarantined for extended periods beyond the normal amount of time because different staff have brought the virus in, resulting in sequential quarantines
- Impacts of quarantine on youth’s ability to be taken to court
- Youth in quarantine being allowed out of their room only to take a shower (23-hour lockdown)
- Lack of recreational materials in quarantine
- In-person family visits suspended
- Visits being allowed only by telephone instead of with Skype, Webex or other mechanism that lets youth see their family
- Court appearances being conducted by telephone

- Concerns from attorneys who do receive in-person visits about personal safety (visits in unventilated rooms; staff not wearing masks)
- Failure to notify families that their child has tested positive for Covid; difficulties for families seeking information about their child
- No educational materials for youth who are in college programs
- Substandard educational materials for youth – “packets” and lack of interaction with teachers
- Lack of transparency from the juvenile hall about the number of youth and staff who have tested positive
- Cessation of programming normally provided by outside entities

We do not know the extent to which these issues exist around the state, but the fact that young peoples’ lawyers have observed these things at all is a matter of great concern. We urge you to take the following actions:

1. Reinvigorate the process for suspension of Title 15 regulations. Many of the entries on the Juvenile Suspension of Standards Dashboard appear to be out of date. Remind the counties that if they are failing to provide required services, BSCC must be notified, mitigating practices must be implemented to the extent possible, and there must be a time limited plan for resumption of the service.
2. Encourage the counties to use their powers to release youth or seek release through the courts whenever possible (the protocol we sent you in 2020 has suggested guidelines for that process).
3. Ask counties to give actual numbers in the weekly data report. The current data input element that asks for whether the number of positive tests or other data elements is <11 is not useful. For example, the first facility on the dashboard this week is the Alameda County Camp Sweeney. It has only 9 youth in its population, so knowing that there were <11 positive tests does not tell you whether everyone got tested or no one did. Also, we urge you to make the optional categories of data mandatory.
4. Use your power in relation to the emergency provisions of Title 15 to call for facilities to post easily accessible information on their websites informing families and the public about the facility’s Covid policies and protocols, and providing contact information for families to contact facility staff about their child or concerns about Covid-related conditions.
5. Reiterate to the counties the guidance you issued in Spring 2020 calling for counties to follow public health guidelines with respect to sanitation, masks, social distancing, and separation of persons who have tested positive. When we first spoke with you about Covid in 2020, some of this seemed like a distant concern because so few youth and staff in juvenile facilities were infected. The protections and mitigation practices we spoke back then are absolutely essential now.

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We hope the reports that Omicron will soon peak are true. In the meantime, we hope you will take these steps as part of BSCC's duty to provide statewide leadership, coordination, and technical assistance to local facilities. Please let us know if we may be of assistance in helping you to develop guidance on any of these issues. Thank you for your consideration.

Sincerely yours,

Sue Burrell

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