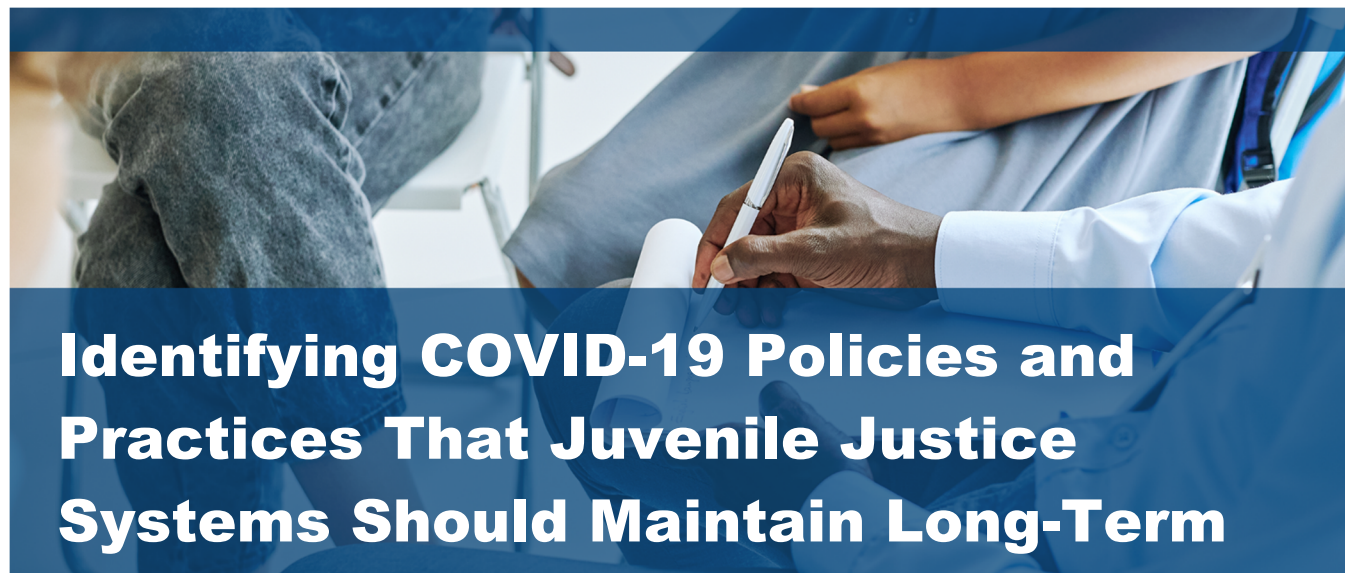




JUNE 2023

LISTENING SESSION 3: State Juvenile Justice Agency Administrators¹



Identifying COVID-19 Policies and Practices That Juvenile Justice Systems Should Maintain Long-Term

Introduction

This report—focused on state juvenile justice agency administrators—is the third in a series describing findings from listening sessions with juvenile justice practitioners about the effects of the COVID-19 pandemic on the juvenile justice system.

The COVID-19 pandemic **dramatically interrupted** the full spectrum of juvenile justice system activities, processes, and structures in the United States, from intakes to reentry. Across the country, juvenile justice practitioners responded to this public health crisis by implementing emergency policies to **mitigate** disease spread and maintain programming to the extent possible given public health orders and staff absenteeism. As the upheaval created by the pandemic subsides and the country **“returns to normal,”** the juvenile justice field will benefit from a comprehensive assessment of the policies implemented and changed during the pandemic, with a specific eye toward what worked well, what did not, and the root causes for successes and challenges. It is clear that juvenile justice practice will not fully return to its pre-pandemic status and in many cases will **integrate changes** in policy and practice brought about by the pandemic. Because decisions about the COVID-19 response have typically been made at the state level, aggregating

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and analyzing information across states and across practitioners within the juvenile justice continuum is a difficult but important undertaking.

Our 2021 National Institute of Justice (NIJ)-funded project—Juvenile Justice Responses to the COVID-19 Pandemic—involves several research activities, including listening sessions, a systematic literature review, policy scan, and case studies.

THROUGH THESE RESEARCH ACTIVITIES, WE AIMED TO ANSWER THREE QUESTIONS:

1.

How have juvenile justice systems **responded** to the COVID-19 pandemic?

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How have juvenile justice systems changed policies related to **transfers between and releases** from juvenile residential placement facilities?

2.

How are different policy responses associated with **youth and public safety outcomes** (e.g., educational attainment, mental and physical wellbeing, recidivism, intakes, releases)?

3.

For policies associated with positive outcomes for youth or improved public safety, **what resources are needed** to sustain these policy changes in the long term?

Our team conducted **listening sessions** with a broad range of juvenile justice system practitioners to learn from their experiences during the pandemic and **to identify policies and practices** that juvenile justice systems can and should maintain in the long term (even as COVID-19 is now endemic). The goal of these listening sessions was to discuss policies and practices related to juvenile intakes, transfers, and early releases from juvenile residential placement facilities, as well as those intended to protect public safety and ensure the safety, health, appropriate supervision, and long-term success of youth. We also asked practitioners to identify possible best practices for rapidly responding to similar threats that may emerge in the future—such as other public health emergencies and natural disasters—to ensure juvenile justice systems have an experience-based guide that reflects important lessons learned for making difficult but effective decisions in emergency situations.

Setting, Participants, and Focus

Our **third listening session** took place in June 2023 with nine **state juvenile justice agency administrators** who serve in Alaska, New York, Massachusetts, Virginia, and South Carolina. The focus of this session was to assess how agency administrators responded to the pandemic, how these changes related to changes in agency policies and

practices, how the pandemic and changes in agency practices may have affected case outcomes, including public safety, and to identify ongoing challenges and innovations, as well as assess which changes have been retained.



The meeting was co-facilitated by Dr. Kristan Russell, Gene Siegel, and Marly Zeigler from the National Center for Juvenile Justice (NCJJ).

Findings

POLICY CHANGES DURING THE PANDEMIC

Innovation and adaptation

Participants **identified several innovations** instituted shortly after the onset of the pandemic. Some reflected state-level initiatives, but others were instigated at local or facility levels:

- Improvements to technological infrastructure and increased access to technology
- Shifts in agency culture and more openness to remote work and services
- Contracts with local hotels to provide emergency housing for the families of confined youth
- Development of outdoor visitation opportunities to address social distancing requirements and masking restrictions, including porch or yard visits, provision of PPE to families for visits, and outdoor settings at facilities using tents that met open-air and social distancing guidelines
- Provision and fit-testing of N95 masks to staff
- Production of sanitizer at the state level, which included distribution to staff and families
- Helping the families of confined youth through the provision and delivery of groceries and household supplies,
- Providing virtual options not only for work, but also for visitation and services whenever possible

Keeping families, youth, and staff informed of ongoing developments and changes in policy and practice like those listed above was a distinct challenge. Jurisdictions used different approaches for communication, including holding daily or weekly management meetings, sending weekly newsletters to families, sharing relevant information through websites and email listservs, and posting signage throughout facilities.

Youth release decisions

Administrators said they were encouraged to release youth from facilities for safety reasons when possible to reduce the spread of the virus and to keep young people out of facilities where they could be exposed. **Administrators had to balance release decisions with concerns about juveniles' suitability for release, as well as broader**

public safety concerns. Participants noted that many advocacy organizations pushed for all youth to be released, but administrators emphasized that this was not appropriate for all youth because of public safety concerns and concerns about whether youth would be safe and supported upon release. Most participants also noted that these decisions were individualized and made on a case-by-case basis.

IMPACTS OF THE PANDEMIC

Understaffing, loss of staff, and staff pushback

Almost all participants mentioned that staff turnover, poor staff retention, and subsequent understaffing were among the most pressing issues they faced during the pandemic. **Staffing issues have persisted, and participants expect them to continue.**

Prior to the pandemic, jurisdictions were already experiencing employee retention and hiring issues because of what participants described as a general decline in interest in juvenile justice careers. Participants noted that there are fewer people pursuing justice-related majors to prepare for juvenile corrections positions than in past years. Administrators highlighted the challenges associated with working in the juvenile justice field, particularly when it involves direct care of, interaction with, and supervision of system-involved youth. Participants emphasized that the nature of the work makes it hard to attract and retain staff, and that **the pandemic magnified these concerns.** An additional factor dissuading individuals from pursuing careers in the criminal justice field is the low pay provided to most employees. The pandemic accelerated and exacerbated these staffing issues, and participants expressed uncertainty as to whether their agencies will be able to recover and return to pre-pandemic levels of operation.

“Staff workforce is still an issue. People see their work differently, and some of the requirements are not worth it. [Staff] are looking for more workplace balance in their careers and they are looking for salaries that can support them. There is a decrease in the number of individuals pursuing juvenile justice careers, and it is a continuing struggle to find and keep really good staff.”

“You have to be passionate and have a real love for the [juvenile justice] field.”

According to participants, the pandemic further accentuated staffing issues for multiple reasons. Some jurisdictions lost staff because of their policies involving mandatory masking, testing, screening, and vaccinations. For example, while most staff complied with masking, screening, testing, and social distancing requirements, some staff pushed back against the required use of N95 masks because they would have needed to shave facial hair for the mask to fit properly. One participant noted that staff were eager to obtain N95 masks until they realized they had to wear the masks for 8 to 10 hours a day. At the same time, staffing levels were negatively affected by employee sickness and the sickness and death of family members. A few participants also mentioned that there were staff members under their employ who had passed away due to COVID-19 infection or other COVID-related illnesses.

The pandemic created challenges that had immediate and prolonged impacts on the staffing crisis, including increased overtime demands and decreased time for breaks or time off for those who continued working. Participants mentioned that their agencies were unable to compete with remote job opportunities in other sectors and the perks that accompany those positions. Taken together, the pandemic both highlighted and exacerbated the staffing challenges apparent across the juvenile justice system.

Rethinking work-life balance and prioritizing mental health

Participants noted that the pandemic experience was unique in that it has made people rethink their work-life balance and their work-related priorities. Administrators pointed to how **the world of work and values around work have changed**. Workers, especially in challenging jobs such as those in juvenile justice facilities, are asking themselves, “Why am I doing this?” and are increasingly weighing the difficulties of their work against their mental health and personal career satisfaction. At the same time, some participants noted that employees have expanded their thinking about whether their workplaces value their wellness, are person-centered, support their professional development, and compensate them appropriately.

When asked to discuss the mental health of staff during the pandemic, respondents acknowledged that this is an area in which administrators felt they could have done much better. Many agencies provided little to no formalized resources or guidance regarding staff mental health during the pandemic. Some agencies did distribute seminars to staff on managing the mental health of employees and detained youth, though participants generally found these resources to be lacking. One participant mentioned a partnership with a wellness app that provided staff with free access to short-term mental health support. Some agencies provided or extended internal support and did informal wellness checks on employees; these wellness checks have continued in several sites. Other agencies provided services and support specifically when staff passed away to help employees process and cope with the losses.

“We scheduled one or two webinars regarding staff wellness and included articles and resources in our weekly communiques, plus we referred staff to our local EAP program.”

“The governor’s office did offer paid leave for those persons who were out on COVID-19 rather than having them use their personal leave time or go without pay.”

Safety

All administrators mentioned that **the safety of staff, youth, and families was the most important priority**, especially at the onset of the pandemic. Participants highlighted how uncertain things were during the pandemic and that most people, including their staff and the families they serve, experienced a lot of fear because of that uncertainty. Although some jurisdictions had guidance at the state level at the onset of the pandemic, others had to decide internally how to proceed. Some facility administrators indicated they had to make practice and policy decisions without state-level guidance. In these circumstances, participants indicated that they were “learning as we went along,” and tried to adhere to CDC guidance while also following the recommendations of their local health department.

Conclusions

To better understand the nature and effects of policy changes that occurred in response to the pandemic, the NIJ-funded Juvenile Justice Responses to the COVID-19 Pandemic project is undertaking a range of research activities, including a systematic literature review, a policy scan, case studies, and listening sessions. During our third listening session, we spoke with state juvenile justice agency administrators. State agency administrators have a diverse range of responsibilities, including implementing new policies, evaluating existing policies, interpreting regulations related to juvenile justice, and communicating with a broad range of stakeholders. State juvenile agency administrators were often “where the buck stopped” when it came to making policy decisions during the pandemic. As we heard from participants in this listening session, state administrators had to carefully implement policies that were universally needed, like dissemination of PPE and vaccines and boosting technological infrastructure, while still allowing individual facilities to make decisions that made sense for their specific circumstances. Overall, the findings from this listening session reaffirm the challenging times of the pandemic with staffing issues, safety and health concerns, and the need for continuous adaptation due to changing circumstances of particular concern. Administrators also highlighted the importance of ongoing and frequent communication between their agencies and staff, families, and youth, to not only keep everyone informed, but to keep everyone reassured that the agencies were doing their best in an uncertain time.