

# Youth Prison Reform in the COVID Era

## *A Highlight of Lessons Learned from Three States*

Samantha Harvell, Arielle Jackson, Constance Hull, Colette Marcellin, and Leah Sakala

In **Maryland**, a judicial order limiting the use of incarceration and the Department of Juvenile Services' use of technology to meet youth in the community helped reduce youth incarceration.

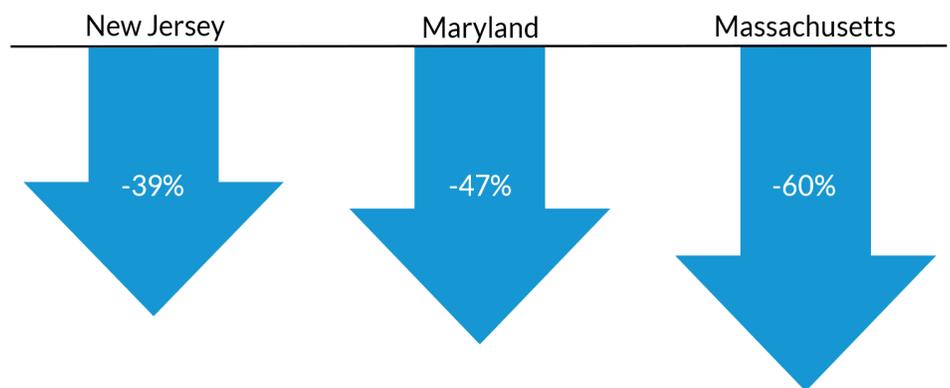
In **Massachusetts**, agency leaders improved communication, launched an accelerated community release program, and bolstered reentry supports to further reduce reliance on youth incarceration.

In **New Jersey**, early advocacy by a team including the ACLU of New Jersey, the New Jersey Institute for Social Justice, Salvation and Social Justice, and the Rutgers Criminal and Youth Justice Clinic as well as legislation that cancelled fines and fees, expedited release, and shortened youth sentences contributed to a decrease in youth incarceration.

Even before the COVID-19 pandemic, incarceration posed significant risks to young people's physical and mental health, particularly among Black, Latinx, and Native American young people, who are disproportionately impacted by the criminal legal system. During the pandemic, now in its third year, young people have been exposed to even more traumatic experiences while incarcerated, including isolation and disconnection from family supports, which demonstrates the need to double down on efforts to end the incarceration of youth and instead invest in community-based strategies that support them long term.

To inform those efforts, this fact sheet and the brief it accompanies highlight how Maryland, Massachusetts, and New Jersey reduced youth incarceration over the past two years. Each state took a unique approach to changing policy and practice and achieving lasting reform championed by a range of stakeholders, including governors, legislators, and judicial and corrections agency leaders. Taken together, the examples provide several options for reducing incarceration of young people and investing in more effective strategies to prevent harm and support youth accountability and needs.

**FIGURE 1**  
Early Pandemic Decreases in Youth Incarceration in Three States



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**Source:** Author analysis of publicly available data in each state. For additional detail, see Samantha Harvell, Arielle Jackson, Constance Hull, Colette Marcellin, and Leah Sakala, "Youth Prison Reform in the COVID Era: Lessons Learned from Three States" (Washington, DC: Urban Institute, 2022).

**Note:** These decreases occurred in the first year of the pandemic in the United States.

## RECOMMENDATIONS

The pandemic has magnified inequities that have existed for generations and underscored the need for youth legal agencies to reduce reliance on incarceration. Given what we know about the harm incarceration causes, many argue that we should think of youth incarceration as a public health crisis—an issue that demands policy and practice solutions that limit its reach and impact on vulnerable young people and families. The pandemic has prompted stakeholders in some states to expedite youth decarceration efforts, and stakeholders across the country should learn from and build on that work. The state efforts we highlight in our brief involved strategies and produced lessons other states can use to reduce the incarceration of young people:

- **Different stakeholders can effectively champion youth justice reform in their communities.** The case studies illustrate how judicial leaders, legislators, and youth corrections agency leaders have leveraged existing law, passed new legislation, and revised policies to limit out-of-home placements for young people during the pandemic. Each group has a unique role to play and has the power to effect transformational change.
- **Youth incarceration declines may be tenuous, and more work is needed to sustain recent efforts.** Although youth incarceration fell (in some places quickly and precipitously) after the onset of the pandemic, detention and commitment populations have begun to increase again, including in Massachusetts and New Jersey, illustrating that policy and practice changes may be temporary or short-lived. Every jurisdiction should closely examine its own data, sustain effective strategies, analyze what is driving increases in youth incarceration, and develop strategies to implement more effective alternatives to incarceration that help young people take responsibility for their actions and provide needed services and supports in their communities.
- **Racial disparities in youth justice are getting worse.** Consistent with trends observed following youth decarceration efforts across the country over the past couple of decades, reductions in incarceration following the onset of the pandemic did not benefit all youth equally. In fact, in each of these states, Black, Latinx, and other youth of color made up an increasing proportion of incarcerated youth in the first two years of the pandemic, worsening already high racial disparities. Given the exclusion and oppression people of color continue to experience and the pandemic's disproportionate impact on communities of color, there is a pressing need to identify and implement strategies that benefit all young people and to prioritize addressing and reversing racial and ethnic disparities in youth legal processing by providing Black, Latinx, and other young people of color equitable opportunities for support at home.

## METHODOLOGY

This study's goal was to identify states that had significantly reduced youth incarceration during the pandemic, investigate the mechanisms they used, and share lessons with the broader field. Urban selected these three states and collected data through

- a review of public reports, press releases, and news coverage;
- analysis of publicly available data on youth incarceration; and
- semistructured interviews with one to three stakeholders in each state.

## ADDITIONAL READING

### FULL BRIEF ON YOUTH PRISON REFORM DURING THE PANDEMIC

#### *Youth Prison Reform in the COVID Era: Lessons Learned from Three States*

Samantha Harvell, Arielle Jackson, Constance Hull, Colette Marcellin, and Leah Sakala <https://urban.is/3zJK9hN>

### ON COMMUNITY INVESTMENT STRATEGIES

#### *Promoting a New Direction in Youth Justice: Strategies to Fund a Community-Based Continuum of Care and Opportunity*

Samantha Harvell, Chloe Warnberg, Leah Sakala, and Constance Hull <https://urban.is/2HSuXnp>