

May 6, 2020

VIA ELECTRONIC TRANSMISSION

Administrator Caren Harp
Office of Juvenile Justice and Delinquency Prevention
U.S. Department of Justice
Office of Justice Programs
810 7th St. NW
Washington, D.C. 20531

Dear Administrator Harp:

We write to you today about the ongoing crisis from the spread of COVID-19. Originally thought to affect only older adults, we have since learned that this virus can be deadly to youth and children, too. This means that the vulnerable populations of youth in detention facilities are susceptible to the spread and transmission of the virus.

As of May 5, at least 204 youth and over 352 staff members in juvenile detention facilities across the United States have been infected by COVID-19, including twenty-seven states and the District of Columbia.¹ This outbreak and spread is devastating. We have seen the exponential and deadly spread of the virus in federal and state prisons for adult offenders, with the number of positive cases increasing on a daily basis. Our children, including juvenile offenders, are vulnerable members of our society and Congress has recognized the critical protections that all children deserve when detained in a juvenile detention center. We cannot overlook these children in these dire times.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) serves a critical role in ensuring that state juvenile justice systems and related grantees can apply for and receive grant money to serve, protect, and rehabilitate juveniles who enter the justice system. Much of OJJDP's work focuses on grant allocation and disbursement of funds, and I understand that this has been a major component of your focus during the current pandemic.

However, we believe that a critical component of mitigating the spread of COVID-19 and assisting youth and staff in juvenile detention centers is providing clear information on how to do so in a consistent, reliable, and transparent manner. While the guidance by the Center for Disease Control (CDC) and state governments are essential in navigating this issue, we believe that

¹ COVID-19 in Juvenile Facilities, The Sentencing Project, Josh Rovner; available at <https://www.sentencingproject.org/publications/covid-19-in-juvenile-facilities/>

OJJDP should be a partner in distilling information and providing substantive assistance to states on how to stop the spread of this virus, and in helping children and their families understand the risks and adjust accordingly. Nearly all sub-agencies within the federal executive agencies have provided guidance – either in the form of best practices or distilled information from CDC – online. As of May 5, however, OJJDP has not issued any such guidance.

To that end, we urge you to consider crafting guidance or best practices, and making yourselves available to states juvenile justice systems to discuss what steps can and should be made to overcome COVID-19. Our juveniles deserve nothing short of our best efforts during these trying times, so we appreciate your dedication and consideration.

Sincerely,

Charles E. Grassley
United States Senator

Sheldon Whitehouse
United States Senator

Joni K. Ernst
United States Senator