



LAW ENFORCEMENT LEADERS
To Reduce Crime & Incarceration

**YOUTH
CORRECTIONAL
LEADERS
FOR JUSTICE**

FJ
**FAIR AND JUST
PROSECUTION**

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Leaders from Prosecution, Corrections and Law Enforcement Join Efforts to Release Incarcerated Youth

Thousands of Children in Maryland's Juvenile Facilities are at Risk

ANNAPOLIS, Md. – Organizations representing corrections leaders, law enforcement and elected prosecutors filed an amicus brief supporting a petition by Maryland's public defender to immediately and drastically reduce the population in youth detention and correctional facilities, where potential outbreaks of COVID-19 present a catastrophic risk.

“Incarceration should only be used when it is essential for public safety. Putting people in an environment that compels contact and makes social distancing and proper hygiene impossible threatens public safety. It gives the virus a tremendous advantage – and that puts youth, staff and communities in harm's way,” said **Vincent Schiraldi**, co-chair of Youth Correctional Leaders for Justice, one of the signatory groups.

In the brief, *amici* underscore that “coronavirus is a grave threat to the youth detained in Maryland's custody.” They further state that “should any person at a detention facility become infected—be it a detainee, corrections officer, educational service provider, or other staff member—the virus will spread like wildfire, infecting staff members and children both, and not just within the walls of the facility.”

“Every day we choose not to act, we put young people's lives at risk,” said **Miriam Krinsky**, executive director of Fair and Just Prosecution. “The profound scale of the COVID-19 pandemic calls for rapid and sweeping action. It is imperative that as many children as possible be released from youth detention and correctional facilities before they become infection hotspots; for those who absolutely must remain in custody, conditions in detention must be immediately improved to enable social distancing without resorting to inhumane solitary confinement, appropriate hygiene, and good medical care.”

“Leaving young people who could safely reside in the community in crowded detention centers during the COVID-19 epidemic not only jeopardizes their health but also violates their civil

rights. Housing youth in crowded, unsanitary conditions, at risk of contracting a deadly disease, not only violates the government's constitutional duty to protect the children in their custody, it also risks the health of the staff who are charged with their care. I hope that the court swiftly moves to do the safe, responsible thing, which is to send nonviolent youth home," said **Taryn A. Merkl**, Senior Counsel of Law Enforcement Leaders to Reduce Crime & Incarceration, and former Chief of Civil Rights for the U.S. Attorney's Office for the Eastern District of New York.

As of April 6, at least one staff member at a youth correctional facility in Maryland has tested positive for COVID-19. Given the circumstances in places like New York City and Washington, DC where staff members have already died from COVID-19 and infections among children and staff are increasing every day, it is reasonable to assume we will see more infection in youth facilities if swift action is not taken.

Petitioners are asking the Maryland Court of Appeals to issue orders that would reduce facility populations by releasing youth who do not pose a risk to public safety, while also slowing the rate of new admissions.

The amicus brief calls attention to the fact that some facilities may try to prevent contagion by isolating youth in solitary confinement, but this response poses its own threat. Solitary confinement has consistently been shown to cause extreme harm to children and adolescents. And given the stressful circumstances due to the threat of the pandemic, isolation would only cause more harm.

Amici note: "Particularly given the vulnerable mental health status of much of Maryland's incarcerated youth population, their age (i.e., as young as eleven), and the uncertain duration of the period of isolation necessary to 'wait out' the virus, requiring prisons to resort to such extreme social distancing measures would have long-lasting adverse effects—and, in many cases, be unlawful."

Noting the state's obligation to keep detained youth safe, and underscoring the broader impact of the spread of infection within these facilities on the community at large, the brief stressed that "the humane solution is also the pro-social one. The remedy sought by Petitioners, including the release of many detained youth, will save lives and will protect, rather than endanger, the general population."

"The Maryland juvenile justice system stands at a critical juncture in the fight against the coronavirus pandemic," the brief concludes.

A copy of the brief is available [here](#).

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Youth Correctional Leaders for Justice unites current and former youth correctional administrators to build a national movement, one that aims to shift systems away from the use of punitive sanctions and incarceration and focus instead on a more youth-, family-, and community-oriented vision of youth justice.

Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP's work, visit <http://www.fairandjustprosecution.org/> or follow us on Facebook [@FairAndJustProsecution](#).

Law Enforcement Leaders to Reduce Crime & Incarceration unites nearly 200 current and former police chiefs, federal and state prosecutors, attorneys general and correctional officials from all 50 states. Our national coalition urges changes to laws and practices that more effectively fight crime while reducing unnecessary imprisonment.