

TRAVIS COUNTY YOUTH JUSTICE & THE IMPACT OF COVID-19 COMMUNITY REPORT

APRIL 10, 2020

MEASURE

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Background

Summary of Intent

The webinar, "Youth Justice and the Impact of COVID-19," was held on April 2, 2020 at 6PM CST to address the community's concern for youth in custody in Travis County during the COVID-19 pandemic. The selected speakers offered a variety of perspectives on the subject matter and were directly accountable for various aspects of the management of youth in custody. The diversity of the speakers involved created an open and inclusive environment of trust and perspective for the community members that attended.

Organizing Partners

The organizing partners for the webinar included MEASURE, Texas Appleseed, Lone Star Justice Alliance, and Texas Criminal Justice Coalition.

Speaker Bios & Topics

Chris Shorter - Austin Assistant City Manager - Providing COVID-19 city response for Austin, Texas.

Kameron Johnson - Juvenile Public Defender, Travis County - Providing actions taken to reduce youths in custody, increase protection of youths within the facility, and increase the release of youths in the facility to safe homes.

Rickey Jones - Director of Diversity & Community Engagement, Travis County District Attorney's Office - Providing actions taken to reduce youths in custody, increase protection of youths within the facility, and increase the release of youths in the facility to safe homes.

Michele Deitch - Senior Lecturer, LBJ School of Public Affairs at UT Austin - Providing health and process recommendations for facilities to follow to prevent disease spread within the facility and maintain a calm atmosphere.

Maya Guevara - Community Engagement Specialist, Office of Police Oversight - Providing community insights on engaging with law enforcement during shelter in place policy and their rights if questioned.

Aurora Martinez Jones - Associate Judge, Travis County Civil Courts - Providing what the court system is currently doing to continue facilitating youths through the criminal process.

About the Webinar

The target audience for this webinar was advocates, lawmakers, people who work in the juvenile justice system, and parents and guardians of detained youth. The organizing partners used social media marketing as the main form of outreach. In addition, invitations were emailed out to close networks. The efforts resulted in 118 participants that registered and an approximately 70% attendance rate. Of those attended, we had a 73% engagement rate.

The meeting was set up as a live-streamed webinar with active chat monitoring to encourage engagement. The moderator used a combination of prepared questions and questions from the chats to facilitate the conversations. Only the moderators and speakers were able to join via video on the webinar platform. Members of the audience could participate via computer and see the presentation and video through EasyWebinar, Facebook Live, or Youtube platforms. Community members in the audience were able to ask questions or make comments in chat real time to the speakers. After the guest speaker segment of the webinar, speakers remained on the webinar to answer questions during the question and answer segment. The result was a very robust, multi-dimensional conversation.

Updates in the Juvenile Detention Population

According to the Travis County Juvenile Defenders Office as of April 9, 2020 , the current juvenile population was 16 youth detained although numbers change daily. We also learned that Juveniles brought into detention are having hearings on Monday, Wednesday and Friday and any youth brought into detention is required to have a detention hearing within 48 hours.

DATE	TOTAL CHILDREN IN DETENTION	MALES	FEMALES
4/3/2020	15	13	2
4/06/2020	18	15	3
4/07/2020	16	14	2
4/08/2020	16	14	2
04/09/2020	16	15	1

Community Dialogue Analysis

Methodology for Analysis

During the live webinar, three of MEASURE's data team members attended and took notes. The webinar was recorded and then reviewed for a qualitative analysis. The data team performed a content analysis, identifying prominent themes of the community members voices throughout the live dialogue and discussions in the chat box. The community chat box dialogue is divided into two categories, questions and comments, in order to understand what the community needed to know versus what their sentiments were. The primary and secondary themes were identified during the analysis of the notes, webinar recording, and chat transcript. Please see the Appendix for the coding of themes for the analysis of the community dialogue.

Webinar Summary and Analysis

The webinar began with the moderator welcoming community members and an explanation of how the session would flow. The conversation started with the first guest speaker, Chris Shorter, giving an update on what the City of Austin was doing in regards to addressing the COVID-19 pandemic and resources that were available. Following Chris, Kameron Johnson from the Juvenile Public Defender's office and Rickey Jones from the Travis County District Attorney's Office spoke on what their offices were doing amidst the COVID -19 pandemic.

Kameron and Rickey attributed the reduction of the juvenile population in detention by nearly 50% to dramatically limiting the amount of arrests made, having probation develop release plans for youth before youths were taken to the center, and developing active release plans for the youths within the center. By limiting the amounts of youths going to the center, the county was able to reduce the amount of hearings needed. If the youth did need to go to the detention center, the juvenile public defender's office, along with the district attorney's office, worked on an agreement telephonically with the juvenile judges to release the youth without having a hearing. If hearings were needed, they were conducted virtually.

Next, Judge Martinez Jones explained how Child Protective Services (CPS) addressed the health and safety of youth by using technology. Zoom, a video conferencing platform, was used for hearings, to conduct safe proceedings, and to perform health checks on the youth. Furthermore, efforts were not only focused on health precautions related to COVID-19, but also on making sure to maintain focus on youths being released to safe homes. She also spoke about future endeavors of working with Austin Independent School District to set up virtual education events for the youths within the detention center.

Then, Michele Deitch followed and was able to provide some key takeaways about reducing population within the center and how to contain the spread of the virus within the facility. She discussed that a reduction in the detention population was needed because many of the youths have chronic problems and keeping them in the

detention center may put them at a higher risk for contracting COVID-19, which would in turn cause unneeded stress on healthcare facilities.

Her suggestions for detention centers to limit the spread of the virus included:

- Minimizing the community coming inside the facility by temporarily banning families and volunteers and to frequently screen staff
- Making sure soap, hand sanitizers, and hygiene products are free and available and that sinks are in good working order
- Sanitizing of frequently touched devices, like phones, in the centers
- Finding ways to implement social distancing that is not confining youths, like limiting large usage of dining halls or common areas and moving events to youth's housing areas.

Michelle furthered the conversation by challenging centers to plan around how healthcare will be handled. They should be planning for things like tests for someone showing symptoms, designated areas for sick persons, telehealth, handling acute care, and escort services to a healthcare facility. A critical point Michelle discussed was ways to mitigate harm that comes with restriction. Since these precautionary measures require restricting freedoms from the youth, centers need to find ways to increase phone calls to families, reduce tension within the facility, increase communication and transparency, increase kindness and compassion, and begin using de-escalation strategies instead of hands on contact to balance engagements out. Michelle specified that it is also important that centers are communicating those outside of the facility as well. Centers need to keep families informed by doing daily briefings to inform them of infected persons, tracking COVID-19 information, and other important information.

Lastly, Maya Guevara with the Office of Police Oversight informed the community of their rights during the shelter in place order. Maya stated that the Austin Police Department was not in an enforcement stage of this order and that no officer should ask a person to provide proof that they are an essential worker or to provide proof that they were at a certain location at a certain time. She reminded the community that they always have the right to remain silent and that the primary objective during an interaction with a police officer is to leave safely. In addition, she provided the contact information for the [Office of Police Oversight](#) for community members who had additional questions, concerns about if the officer acted accordingly during the interaction, or need to file a complaint.

Throughout the webinar, the speakers were openly transparent and addressed the questions asked directly. Kameron's and Ricky's offices highlighted themes of reducing the population within the juvenile detention center, increasing technology usage to facilitate proceedings, and ultimately reconsidering what should warrant holding youths in custody. Analysis of the timing of the speakers' points, the chat questions and comments, and the speaker's engagement showed a productive interaction between the speakers and the audience. Please see Table 1 for the coding of the webinar dialogue analysis.

Also of note was the chat interaction between speakers and audience, which was, in some cases, it's own secondary dialogue.

Overall, the nature of the community engagement was very dynamic, the audience was listening intently, with a focus on clarifying the implications of the information they were receiving. The tone of audience communication was both positive and inquisitive. In addition to questions and comments, audience members gave lots of thank-you's and well-dones.

Primary Themes

- Reducing the population within the juvenile detention centers
- Increasing technology usage
- Increasing transparency and communication
- Rethinking what warrants an arrest

Chat Dialogue Summary and Analysis

The community dialogue in the chat flowed with the ongoing live discussion throughout the webinar but often veered off into independent conversations. Much of the community questions were around the policies, practices, and procedures of the juvenile justice system. Community members wanted to know about CPS and their role in juveniles being placed in detention and what was allowed, what Austin Police Department practices are for addressing juveniles during this time, and what is supposed to happen to youth during their time in custody. Community members also expressed the need to prioritize emotional support of youth in detention through visitation policies and employing technology as an alternative to physical visits. In addition, the community members emphasized the need for empathy for the youth throughout their interactions with the juvenile justice system as well as in the development of policies. Some comments and questions had multiple themes ascribed to them noted as secondary themes. Please see Tables 2-4 for coding of themes of the chat dialogue from chat transcript.

Primary and Secondary Themes

- Clarification on policies and procedures in the juvenile justice system
- Concern for juvenile's rights and treatment in facilities and detention centers
- Need for ongoing advocacy for youth
- Empathy for youth

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- Facility compliance and regulations
 - Need for greater transparency
 - Barriers to change in the juvenile justice system
 - Concern for detention center employees
 - Need for data
 - Applying rules to other institutions
 - Visitations and family support
 - Technology
 - Resource list
 - Child Protective Services (CPS)
 - Concerns on COVID-19 testing and prevalence in facilities
 - Accountability

Community-Derived Solutions

Throughout the webinar, the community was in agreement with the need for continued and ongoing advocacy for reducing the number of juveniles in detention. Throughout the dialogue several recommendations were made including the following:

1. Expanding these efforts to reduce population in similar facilities across various counties
2. Increasing the use of technology for hearings and other procedures where possible.
3. Ongoing advocacy to sustain these changes after the pandemic is resolved.

Pertaining to youth that are unable to be released:

4. A drive to collect board games to provide to youth.
5. Requesting for more phone calls and use of tablets.

Conclusion

Community members were overall in support of reducing the number of juveniles in detention. There was great enthusiasm for seeing a dramatic decrease that has happened during the coronavirus pandemic, one that many advocates had been pushing for for years. In addition, community members were very engaged with the material and its relevance for them personally.

Regarding the format and its effectiveness, there were several components that contributed to the event's success: 1) The speakers were either decision makers or consultants whose opinions had great relevance and direct influence on the situation at hand. 2) These speakers addressed directly and transparently the community's most important concerns. In other words, it was clear that their priorities resonated with and even created a partnership with the community. 3) The speakers' active engagement in the chat component served the function of providing clarifications about what was being said as it was being said. Based on the nature of the response to this dialogue, the format appeared to work well for both speakers and audience members.

Moving forward, It is also possible that in a future event, the chat record could be additionally coded in for purposes such as: questions, clarifications, requests for information, requests for action, and comments. The team could go even further to identify whether questions and requests were answered and follow up by email with the individual.

Appendix

Table 1. Webinar Dialogue Coding

<i>Major Theme from Webinar Analysis</i>	<i>Dialogue (Notes and Community Quotes)</i>
Reducing the population	<p>Question to Kameron: What is the current number of juveniles in detention at Gardner-Betts Juvenile Center compared to what it was prior to COVID-19?</p> <p>Avg 35 youth, currently 15 in the detention center There is a regional residential - about 40 that are in that program.</p>
Increase technology usage	<p>Question to Kameron: What has changed in terms of intake for juveniles in Travis County because of COVID-19? What procedures are in place?</p> <p>i. Dramatic limiting coming into the detention center, fewer arrests</p>
Reducing the population	<p>ii. Those that are being brought in - probation department are interviewing them, getting in touch with families and developing release plans</p>
Change in what warrants an arrest	<p>iii. Juvenile public defender works with district attorneys on an agreement with the juvenile judges to release them without having a hearing. iv. Only having a hearing (telephonically) if it is needed.</p>
Increase technology usage	<p>Question to Rickey: There have been concerns about other districts neglecting cases in light of COVID-19, due to suspensions of visitation, courthouses shutting down, etc. Can you talk about what measures you all have taken for ensuring youth have their cases heard safely, and efficiently and what things look like at the Travis County Juvenile Courts right now?</p>
Reducing the population	
Change in what warrants an arrest	<p>i. Virtual hearings ii. Stopping them before they enter the courthouse iii. Limiting the numbers of hearings</p>
Reduce the risk of spread inside the facility	<p>iv. They are making provisions for the kids before they reach to us v. Limit how they come in</p>
Reducing the population	<p>Question to Rickey: What is the DA doing specifically on both new referrals and existing referrals to keep those numbers so low in light of this crisis?</p> <p>i. Made decision on everyone in custody to release or not release (those who did not have a violent crime) ii. Goal was to release everybody unless serious crime iii. Those who are newly arrested, Not contest them and ask the judge to let them go</p>
Change in what warrants an arrest	<p>iv. Error on the side of letting them out instead of locking them up V. A lot of them that are in custody are waiting to get shipped to someone.</p>
	<p>Question to Michele: You've provided extensive guidelines, based on health recommendations from medical professionals, and provided these to Texas representatives, sheriffs, and other law enforcement officials. Can you talk about these guidelines, and how they could be applied to our youth detention facilities?</p> <ul style="list-style-type: none"> ● Reasons why reduction of the population needed <ul style="list-style-type: none"> ○ Many of them have chronic problems

- Excess puts unneeded stress on healthcare facilities
- **Minimize the chance of COVID-19 coming from the community to inside the facility**
 - No families allowed within the facility
 - No volunteers allowed within the facility
 - Screening staff frequently
- **Reduce the risk of spread inside the facility**
 - Spread is going to happen, concentration should be on reducing it
 - Youth needs soap (free and available), hand sanitizers, and hygiene
 - Sink needs to be in working order
 - Frequently touched devices like phones need to be sanitized
- **Increase social distancing**
 - SD is not a real possibility, but we need to find how we can increase it
 - No large usage of dining halls, serve nourishments in room instead
 - Move everything to the housing area
 - Fewer people out at a time in one area and sanitize the area
- **How is healthcare going to be handled?**
 - What type of tests will be done if someone shows symptoms?
 - If sick, there needs to be designated areas
 - Removal from general population, but should not be considered confinement
 - Need to look into bringing telehealth into the center
 - There needs to be a plan to handle acute care and knowing how that escort service will look like.
- **Ways to mitigate harm that comes with that restriction (critical)**
 - Increasing phone calls to families
 - Reduce tension within the facility
 - Using de-escalation strategies instead of hands on contact
 - Increasing kindness and compassion
- **Increase communication and transparency**
 - Families need to be informed
 - Daily briefings and key indicators need to be given to the public
 - Tracking of covid information (who is infected) need to be communicated

Question to Judge Jones: Judge, you've worked on countless child welfare cases including Family Drug Treatment Court and Permanent Managing Conservatorship dockets, reviewing Travis County cases with foster children in the permanent care of Child Protective Services - can you tell us about the current state of CPS, what you're seeing in your dockets, and maybe a bit about how it relates to system-involved youth?

- | | |
|-----------------------------------|---|
| Increase technology usage | a. Setting up zoom hearings |
| Health and Safety | b. They are doing temper checks on new children and any child that has a temperature is not being brought into detention. Trying not to bring anymore children into detention |
| Change in what warrants an arrest | c. Multiple health checks / no protocols are in writing |
| | d. Setting up educations for the kids / working with AISD |
| | i. Still setting up technology |
| | e. Primary concern is making sure they are released into safe homes |
| | i. If there is not a safe willing person to take the child, then there is a |

referral that is made for emergency temporary custody to cps

Increase technology usage	Question to Judge Jones: The order you posted says the judge is asking for attorneys for a waiver of detention hearings. How can we change that?
Change in what warrants an arrest	a. Need the capacity for the court to safely proceed over hearings, possibly through zoom. b. Actively trying to remove kids from the detention center
Health and Safety	Question to Maya: Our friends at Austin Justice Coalition did an amazing town hall last night where Chief Manley said instances of police searches for violating the order shouldn't be happening anymore, now that officers are more aware of what the order means, but what should someone do, and more specifically, what should a young person do, if they're stopped by police for violating the order? a. Context - civilian oversight over the police department b. We are not at an enforcement stage c. Should not be asking where you are going or provide proof that you are an essential worker d. You do not have to provide evidence that you were in a certain location at a certain time e. Know your right information - you have the right to remain silence Provide you driver's license

Table 2. Chat Dialogue Coding- Community Questions

Questions from Chat <i>Major Theme</i>	<i>Messages (verbatim)</i>
Protocols, policies, and procedures	<p>Are these detention facility requirements directly translatable to youth who are in mental health/drug treatment residential facilities? (should have said suggested practices)</p> <p>Could the program be modified for the time being and take phone calls out.</p> <p>Due to COVID, will there be an increase in juvenile cases going straight from Intake to the Deferred Prosecution Program? What about currently pending juvenile cases, will there be more of an increase in prosecutors agreeing to put more of those cases int</p> <p>How do juvenile probation officers manage their caseloads?</p> <p>Is Manleys answer in line with what you are hearing?</p> <p>Judge Aurora, will you make sure CPS does its job when they fight to leave CPS children in detention to be placed by juvenile probation rather than trying to find a placement for them?</p> <p>Judge Martinez Jones, the order you posted says that the judge is asking for attorneys to waiver of detention hearings and how we can change that?</p> <p>What happens when CPS does not want to place them and would rather have juvenile court deal with that</p>
Transparency	<p>Are hearings public?</p> <p>talking about transparency - is profile and releasable score available publicly?</p> <p>Will these be open to the public?</p>
Facility compliance and regulations	<p>Do you consider requiring the kids to clean to be adequate?</p> <p>For Michele: is it possible for a medical person to tour the facility to check for hygiene protocols</p> <p>Is anyone touring in the facility to check if these measures are being taken? Regarding hygiene?</p>
Ongoing advocacy	<p>Kameron, any limits being placed on kids coming from out of county? Are kids being sent to residential being tested before they come in?</p> <p>What can we do to request more phone calls & possible use of tablets for the youth. Especially at Gardner Betts</p>
Applying rules to other institutions	<p>@Rickey Jones How are inmates in Travis County Jail from other jails like Hays County being considered for release? Especially</p>

	<p>those that have not been to trial and convicted of the crime they are being held for. Which jurisdiction would consider PR</p> <p>Do you anticipate a mass release of adult non-violent offenders in Travis County, as well?</p>
Visitation/ Family Support	With visitation put on hold now, what is Gardner Betts doing to help support the youth during this time in terms of connecting with their families?
Resource list	Will the links be emailed that Chris will be providing?
Juvenile's rights and treatment in facilities	I am unsure if they make juveniles pay for phone calls, but if so are those fees being waived given visitation has been cut off?
Detention center employees	What can be done to advocate for the County to institute more liberal leave policies for detention staff. If staff won't get paid they are more likely to show up to work even though they don't feel well.
Data	What is percentage by race being released compared to being still held?
COVID-19 prevalence in facility	Are there any youth COVID-19 positive detained?

Table 3. Chat Dialogue Coding- Community Comments

<i>Comments from Chat</i> <i>Major Theme</i>	<i>Messages (verbatim)</i>
Juvenile's treatment in facilities	<p>But whether they actually get a phone call depends on their behavior, which can be very subjective.</p> <p>If there is existing policy where a call is dependent on behavior this should be lifted. We must be as humanistic as possible and understand how their environment directly influences their behavior.</p> <p>Juveniles do not pay for phone calls</p> <p>Nikki, precisely. We must as empathetic as possible</p> <p>Still happens</p> <p>Subjective judgements of behavior are even more inappropriate when they are spending even more time not interacting with others (i.e. not getting to eat together, when meals are human nature to be communal)</p> <p>That's still the case. They are on a Level based behavior system which dictates whether or not they receive a phone call.</p> <p>Very true. They used to be judged on levels by their behavior from the previous day. I don't know if that is still in place</p>
Ongoing advocacy	<p>Agreed! And wish other judges saw it this way everywhere in Texas.</p> <p>https://www.inquirer.com/health/coronavirus/pa-supreme-court-covid19-coronavirus-juvenile-justice-george-w-hill-20200401.html</p> <p>I am currently collecting board game donations to provide the youth at Gardner Betts will my organization that visits them once a week. If you are interested in donating puzzles or games please email lets.texas@gmail.com</p> <p>Let's implement so much of this!! Even long after this pandemic, great job!</p> <p>Totally agree! If we can let people and kids out safely now, why can't we do it all the time?</p> <p>Yes absolutely! Also in tandem, making sure the appropriate resources are easily available in the community for these kids and their families.</p> <p>yup!</p>
Protocols	<p>CDC guidelines for detention facilities: https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-correctional-detention.pdf</p> <p>I worked at CPS for 7 years and that was against DFPS policy. It was required for DFPS to locate least restrictive environments.</p> <p>Kameron, would love to see those protocols</p> <p>What do you mean by requirements? Michele was talking about what should happen best case but unfortunately a lot of that is not happening. It should be happening anywhere kids are being held in custody though.</p>

Facility compliance and regulations	<p>Christel, good question, don't know about GB specifically but agree re someone with medical background.</p> <p>Thanks. The kids won't necessarily know what should be happening</p> <p>Yes in GB specifically. A medical person would be best to know what to look for</p>
Barriers to change	<p>Governor Abbott is throwing wrenches in the local ability to release folks</p> <p>I think that is a problem because it keeps kids in detention unnecessarily</p> <p>Yes that's exactly the problem</p>
Agreement	<p>@Rickey Jones. Thanks, that is a progressive way to get sharing counties on board. That is good news for me.</p> <p>agree!</p> <p>Good point about harm reduction</p>
Juvenile's rights	<p>Agreed. This is an issue already.</p> <p>Right it is also a violation of the youth's due process rights that should not be ignored</p>
Technology	<p>Other counties are doing zoom without issue and having parents involved for the detention hearings</p>
Detention center employees	<p>Juvenile detention staff are essential employees</p>
Data	<p>We've decreased our numbers of detained youth from 35 to 15 due to COVID-19 -- might what we learn from this crisis produce...continue a NEW NORMAL in decarceration for youth</p>
CPS	<p>Thank you for your response. Unfortunately, it seems like CPS would rather have juvenile probation deal with the child than CPS. Hope it improves.</p>
Auditing facilities	<p>In the state facilities, that is a more complicated question and there is not a lot of transparency.</p>
Accountability	<p>CPS needs to be held accountable for placing the kids in their custody. Gardner Betts is not the place for them.</p>

Table 4. Chat Dialogue Coding- Secondary Themes

Secondary Theme from Questions and Comments in Chat	Messages (verbatim)
Protocols	<p>@Rickey Jones How are inmates in Travis County Jail from other jails like Hays County being considered for release? Especially those that have not been to trial and convicted of the crime they are being held for. Which jurisdiction would consider PR</p> <p>I am unsure if they make juveniles pay for phone calls, but if so are those fees being waived given visitation has been cut off?</p> <p>That's still the case. They are on a Level based behavior system which dictates whether or not they receive a phone call.</p>
Empathy	<p>If there is existing policy where a call is dependent on behavior this should be lifted. We must be as humanistic as possible and understand how their environment directly influences their behavior.</p> <p>Nikki, precisely. We must as empathetic as possible</p> <p>With visitation put on hold now, what is Gardner Betts doing to help support the youth during this time in terms of connecting with their families?</p>
CPS	<p>I worked at CPS for 7 years and that was against DFPS policy. It was required for DFPS to locate least restrictive environments.</p> <p>Judge Aurora, will you make sure CPS does its job when they fight to leave CPS children in detention to be placed by juvenile probation rather than trying to find a placement for them?</p> <p>What happens when CPS does not want to place them and would rather have juvenile court deal with that</p>
Transparency	<p>In the state facilities, that is a more complicated question and there is not a lot of transparency.</p>
Resource list	<p>Yes absolutely! Also in tandem, making sure the appropriate resources are easily available in the community for these kids and their families.</p>
Ongoing advocacy	<p>Judge Martinez Jones, the order you posted says that the judge is asking for attorneys to waiver of detention hearings and how we can change that?</p>
Mental health	<p>Are these detention facility requirements directly translatable to youth who are in mental health/drug treatment residential facilities? (should have said suggested practices)</p>
Juvenile's rights and treatment in facilities	<p>What can we do to request more phone calls & possible use of tablets for the youth. Especially at Gardner Betts</p>
Accountability	<p>For Michele: is it possible for a medical person to tour the facility to check for hygiene protocols</p>

