Criminal Justice Leaders Criticize Detention Conditions of Unaccompanied Minors

Amicus Brief Argues That Detained Children are Constitutionally Entitled to Trauma-Informed Care

RICHMOND, Va. – Today 57 criminal justice leaders and the disAbility Law Center of Virginia joined an amicus brief in Doe v. Shenandoah Valley Juvenile Center Commission challenging the detention conditions of unaccompanied minors in Virginia and arguing that they are entitled to trauma-informed care. In the brief, filed in the Fourth Circuit of the United States Court of Appeals, amici specifically argue that trauma-informed care for young immigrants housed in juvenile detention facilities is not only critical to their mental health, but that it is constitutionally required and the well-established standard of care for any youth in a detention setting.

“Denying children trauma-informed care is a deeply troubling example of inhumane immigration detention conditions,” said Miriam Krinsky, Executive Director of Fair and Just Prosecution. “Trauma-informed care is constitutionally required for any child in detention – whether in the immigration system or juvenile justice system. We have an absolute responsibility to ensure all children in detention settings are safe and receive quality care, and this obligation does not end simply because someone is not a citizen of this country.”

Amici argue that lack of such care impacts public safety. When young people are not provided with care that considers their life circumstances – in contravention to decades of research – trust in the justice system is eroded. This in turn weakens the legitimacy of the justice system overall, which discourages cooperation with law enforcement. This is especially true in immigrant communities, where community members may already see themselves as particularly vulnerable in the current political climate.

“As a prosecutor, I have an obligation to uphold the integrity of the justice system, which extends far beyond just seeking convictions and includes ensuring conditions of confinement are humane and aligned with the goals of justice,” said Dallas County, Texas District Attorney John Creuzot.

Trauma-informed mental health care has been recognized and studied by the federal government and is the professional standard for all children in juvenile detention facilities regardless of whether they are being detained because they are unaccompanied immigrant minors or because they have committed criminal acts. For unaccompanied immigrant children in particular, this care is critical due to the trauma they may have experienced in their journey to the US. By using trauma-informed care we can provide services and interventions that recognize previous trauma, and which do not inflict further trauma on the
individual or reactivate past traumatic experiences. While this *amicus* brief was filed on behalf of unaccompanied immigrant minor detainees, all youth in detention are constitutionally entitled to adequate trauma-informed care.

“The denial of immigrant children’s right to receive care that would help them cope and avoid additional trauma while detained is beyond disappointing and speaks to the work that remains for us to see beyond the harsh punitive lens that colors our entire system of justice,” stressed Parisa Dehghani-Tafti, Commonwealth’s Attorney for Arlington County and the City of Falls Church, Virginia.

Commonwealth’s Attorney Dehghani-Tafti is joined by three other Virginia commonwealth’s attorneys, Stephanie Morales (Portsmouth), Joseph Platania (City of Charlottesville) and Buta Biberaj (Loudoun County).

Commonwealth’s Attorney Biberaj added: “When there is a credible claim of abuse and harm to a child, as is in this case, all arms of the government should engage in a swift response to end the immediate action and to ensure the termination of any systemic practices. The lower court’s dismissal of this case is inconsistent with the facts and the law and sends a message that some groups are less worthy of protection against harm.”

*Amici* are comprised of 38 current local elected prosecutors and 6 current and former state Attorneys General, as well as the disAbility Law Center of Virginia, current and former youth detention officials, United States Attorneys, Assistant United States Attorneys, other US Department of Justice officials and numerous other elected and appointed officials from both political parties. They represent 30 states and the District of Columbia.

The brief was authored by Neil Ellis, Mark Guerrera, Mark Herzog, Erika Maley, Jaimie McFarlin, and David Miller at Sidley Austin LLP, with the assistance and coordination of *Fair and Just Prosecution*, a non-profit organization dedicated to promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility.

Read the brief [here](#) and see below for a full list of *amicis*.

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*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](http://www.fairandjustprosecution.org) or follow us on Facebook [@FairAndJustProsecution](http://www.facebook.com/FairAndJustProsecution).*

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