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MEDIA CONTACT
Miriam Krinsky
E: krinskym@krinsky.la
C: 818-416-5218

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 Cruzot**.

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 Guerrero, 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 *amici*.

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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/> or follow us on Facebook [@FairAndJustProsecution](#).

List of Amici

Roy L. Austin

Former Deputy Assistant to the President for Urban Affairs, Justice and Opportunity, White House Domestic Policy Council
Former Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice

Chiraag Bains

Trial Attorney, Criminal Section, Civil Rights Division
Senior Counsel to the Assistant Attorney General, Civil Rights Division, U.S. Department of Justice

Diana Becton

District Attorney, Contra Costa County, California

Wesley Bell

Prosecuting Attorney, Saint Louis County, Missouri

Buta Biberaj

Commonwealth's Attorney, Loudoun County, Virginia

Shay Bilchik

Former Administrator of the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice

Chesa Boudin

District Attorney, City and County of San Francisco, California

A. Bates Butler

Former U.S. Attorney, District of Arizona

Gladys Carrión

Former Commissioner, New York City Administration for Children's Services Former Commissioner, New York State Office of Children and Family Services

W.J. Michael Cody

Former Attorney General, State of Tennessee
Former U.S. Attorney, Western District of Tennessee

Scott Colom

District Attorney, Sixteenth Judicial District, Mississippi

John Creuzot

District Attorney, Dallas County, Texas

Satana Deberry

District Attorney, Durham County, North Carolina

Parisa Dehghani-Tafti

Commonwealth's Attorney, Arlington County and the City of Falls Church, Virginia

Michael Dougherty

District Attorney, Twentieth Judicial District, Colorado

Mark Dupree

District Attorney, Wyandotte County, Kansas

Peter Edelman

Carmack Waterhouse Professor of Law and Public Policy
Faculty Director, Center on Poverty and Inequality, Georgetown Law Center

Keith Ellison

Attorney General, State of Minnesota
Former U.S. Representative, Fifth District of Minnesota

Aaron Ford

Attorney General, State of Nevada

Kim Foxx

State's Attorney, Cook County, Illinois

Kimberly Gardner

Circuit Attorney, City of St. Louis, Missouri

Sarah F. George

State's Attorney, Chittenden County, Vermont

Eric Gonzalez

District Attorney, Kings County, New York

Mark Gonzalez

District Attorney, Neuces County, Texas

Christian Gossett

District Attorney, Winnebago County, Wisconsin

Gurbir Grewal

Attorney General, State of New Jersey

Andrea Harrington

District Attorney, Berkshire County, Massachusetts

Peter Holmes

City Attorney, Seattle, Washington

John Hummel

District Attorney, Deschutes County, Oregon

Natasha Irving

District Attorney, Prosecutorial District Six, Maine

Kathy Jennings

Attorney General, State of Delaware

Candice Jones

Former Director, Illinois Department of Juvenile Justice
President and Chief Executive Officer, Public Welfare Foundation

Zach Klein

City Attorney, Columbus, Ohio

Justin F. Kollar

Prosecuting Attorney, County of Kaua'i, Hawaii

Lawrence S. Krasner

District Attorney, Philadelphia, Pennsylvania

Miriam Aroni Krinsky

Former Criminal Appellate Chief and Chief, General Crimes, United States Attorney's Office for the Central District of California
Former Chair, Solicitor General's Criminal Appellate Advisory Group

Beth McCann

District Attorney, Second Judicial Circuit, Colorado

Spencer Merriweather

District Attorney, Mecklenburg County, North Carolina

Brian Middleton

District Attorney, Fort Bend County, Texas

Stephanie Morales

Commonwealth's Attorney, Portsmouth, Virginia

Marilyn Mosby

State's Attorney, Baltimore City, Maryland

Jim Petro

Former Attorney General, State of Ohio

Channing Phillips

Former U.S. Attorney, District of Columbia

Joseph Platania

Commonwealth's Attorney, City of Charlottesville, Virginia

Ira Reiner

Former District Attorney, Los Angeles, California
Former City Attorney, Los Angeles, California

Rachael Rollins

District Attorney, Suffolk County, Massachusetts

Marian Ryan

District Attorney, Middlesex County, Massachusetts

Tori Verber Salazar

District Attorney, San Joaquin County, California

Dan Satterberg

Prosecuting Attorney, King County, Washington

Vincent Schiraldi

Former Director, Washington, DC Department of Youth Rehabilitation Services
Co-Director, Columbia Justice Lab

Daniella Shorter

District Attorney, Twenty-Second Judicial District, Mississippi

Carol Siemon

Prosecuting Attorney, Ingham County, Michigan

David Sullivan

District Attorney, Northwestern District, Massachusetts

Raúl Torrez

District Attorney, Bernalillo County, New Mexico

Michael Umpierre

Former Chief of Staff, Washington, DC Department of Youth Rehabilitation Services
Director, Center for Juvenile Justice Reform, Georgetown University

Andrew Warren

State Attorney, 13th Judicial Circuit, Florida

William Wilmoth

Former U.S. Attorney, West Virginia

disAbility Law Center of Virginia