



325 W. Main St.
Suite 2210
Louisville, KY 40202

(502) 581-9746
ACLU-KY.org

Erin Kennedy Startzman
President

Michael Aldridge
Executive Director

Kate Miller
Advocacy Director

Amanda Hall
Field Organizer

Keturah Herron
Field Organizer

Jackie McGranahan
Field Organizer

March 19, 2020

Commissioner LaShana Harris
Department of Juvenile Justice
State of Kentucky
1025 Capital City Drive
Frankfort, KY 40509

Dear Commissioner Harris,

I am writing on behalf of the ACLU of Kentucky to share our concerns about the impact of the novel coronavirus (COVID-19) on incarcerated youth.

States across the country are taking steps to stop the spread of COVID-19, such as closing schools, canceling events, and shifting to remote support services; however, one group of young people has been left behind: the nearly 50,000 youth in custody in the United States.

Research by healthcare experts shows incarcerated populations are most at risk during a public health crisis. COVID-19 spreads quickly in enclosed spaces, such as cruise ships and nursing homes. It will spread just as quickly in detention centers, prisons, and jails. Contagious viruses such as COVID-19 spread much faster in detention centers and prisons because people are in particularly close quarters and sometimes living in unsanitary conditions. Behind bars, youth are not able to participate in proactive health safety measures, such as social distancing, frequent hand washing, and sanitizing surfaces. Even in the best of circumstances, infection control presents a significant challenge in these situations because incarcerated youth are often congregate in large groups and live communal settings with shared bathrooms, dining areas, and more. Even if youth are in individual cells, ventilation is often inadequate. Last, it is harder to stop the spread of a virus while handcuffed or shackled. This puts incarcerated youth at unique risk when coming in contact with even more people when traveling to and from court, hearings, and legal appointments.

While some jurisdictions have canceled visitation, we believe that this is not a time for youth to be separated from their support systems. This will only exacerbate mental health issues and further isolate these young people from their communities. Further, youth detention and correctional facilities are unlikely to



have the resources needed to meet the medical needs of youth if a COVID-19 outbreak inside juvenile detention or correctional facility should occur. Youth will not have any ability to reduce the spread of COVID-19 if they become ill and do not have access to infirmary beds. If staff become ill, it will be difficult to provide care and support to youth. If staff limitations result in lockdowns, infection rates will intensify even further.

To prevent the spread of COVID-19, we urge you to publicly share your emergency plan for addressing COVID-19 in the juvenile justice system, including the adoption of these measures to protect youth under the supervision of the juvenile justice system:

- 1) Immediately halt new admissions to juvenile detention and correctional facilities and initiate the removal of youth from juvenile detention and correctional facilities by:
 - a) Examining all pre- and post-adjudication release processes and mechanisms and begin employing these as quickly as possible;
 - b) Removing youth who have COVID-19 symptoms; chronic illnesses, such as asthma or diabetes; other serious illnesses; or are in need of medical care;
 - c) Eliminating any form of detention or incarceration for youth unless a determination is made that a youth is a substantial safety risk to others.
- 2) While youth are awaiting release:
 - a) Provide written and verbal communications to youth on COVID-19, access to medical care, and community-based supports;
 - b) Ensure continued access to education;
 - c) Ensure access to legal counsel through confidential visits or teleconferencing;
 - d) Ensure access to family contacts and support networks;
 - e) Guarantee access to unlimited, free, phone calls.
- 3) Create transitional plans for youth released from custody to:
 - a) Ensure they have a place to live;
 - b) Meet their basic needs;
 - c) Receive immediate and adequate medical care;
 - d) Ensure immediate access to Medicaid.
- 4) For youth on probation:
 - a) Eliminate incarceration as an option for technical violations of probation;



- b) Allow youth to travel and access medical care, stay isolated when necessary, and take care of themselves and their loved ones;
 - c) Eliminate requirements for in-person meetings with their probation officers;
 - d) Place a moratorium on all requirements to attend and pay for court and probation- ordered programs, community service, and labor.
- 5) Expand community-based programs for youth in the justice system by investing \$5 million so that they are effectively supported in their communities.
- 6) Address the economic instability caused by COVID-19 by implementing a moratorium, effective immediately, on the assessment and collection of all fines and fees in the juvenile legal system for the duration of this public health and economic crisis.

If you have additional questions or need more information, you can reach me by email at Keturah@ACLU-KY.org or by phone at (859) 979-2564.

Thank you for your time and consideration. I hope you and your staff stay healthy during this time. I look forward to hearing from you.

Sincerely,

Keturah Herron