



April 14, 2020

LaShana Harris, Commissioner
Kentucky Department of Juvenile Justice
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Sent via email

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RE: Temporary Closure of the Jefferson Regional Juvenile
Detention Center and the DJJ Response to COVID-19

Dear Commissioner Harris:

We write again to ask what measures the Department of Juvenile Justice is taking to protect the Kentucky children in its care from COVID-19. After sending you a letter on March 19, 2020 recommending a series of policy proposals to mitigate the threat posed by the novel coronavirus to children in DJJ custody¹ and subsequently discussing these issues with you and your office via both video conference and email, we remain concerned about the lack of transparency regarding those measures. Our concerns were exacerbated when, upon asking for additional information about the decision to temporarily close the Jefferson Regional Juvenile Detention Center and move children from there to detention facilities around the state, we were informed you would be unable to meet for over two weeks².

We therefore send you, as requested, the specific questions we have, and ask that you provide us answers, preferably before then, so we can have a productive conversation on April 29. Please let us know what time works for you that day.

We understand that the Jefferson Regional Juvenile Detention Center, located on DJJ's Audubon campus in Louisville, was temporarily closed sometime prior to the morning of April 7, 2020. We have heard from various sources that the closure was for "cleaning." You informed us that the decision was made "in response to the elevated risk of exposure to the COVID-19 coronavirus in Jefferson County," and that the facility would re-open on April 18,

¹ See Letter from Keturah Herron, Field Organizer for Juv. Just., ACLU of Ky., to LaShana Harris, Comm'r, Ky. Dep't of Juv. Just. (Mar. 19, 2020).

² See Email from William Codell, Justice & Public Safety Cabinet, to Corey Shapiro, Legal Dir. ACLU of Ky. (April 13, 2020).



2020.³ This decision appears to be entirely unprecedented—so far as we are aware, DJJ has never temporarily shuttered a detention center for health or cleaning reasons.

These extraordinary circumstances beg the question whether DJJ staff and the children in their care have suffered a dangerous exposure to COVID-19. Regrettably, DJJ has not provided the public with the full transparency that could alleviate such concerns, contrary to the good practices demonstrated across the river by the Ohio Department of Youth Services.⁴

As a result, we call on you today to publicly release and regularly update the following information:

- 1) Whether children held at the Jefferson Regional Juvenile Detention Center or any other DJJ facility have been exposed to anyone displaying symptoms of COVID-19 or who has tested positive for COVID-19;
 - i. If so, whether any of those children remained in detention and/or were moved to another detention facility in Kentucky;
- 2) Whether testing is available for children in DJJ care who may have come into contact with COVID-19;
- 3) The number of children tested for COVID-19 and the results of those tests, by facility;
- 4) The number of children placed in medical isolation or quarantine in each facility; and,
- 5) The number of DJJ staff who have tested positive for COVID-19 and the facility at which they work.

Additionally, we encourage you to revisit the policy recommendations we suggested in our March 19th letter. While we commend DJJ for the work already accomplished reducing the number of incarcerated youth in this time of crisis, it is crucial that DJJ does not retreat from any policies and consequently invite a new spike of infections. DJJ must also ensure that the children in its care have access to accurate information about recommended COVID-19 precautions and sufficient access to soap/alcohol-based hand sanitizer and space to practice good hygiene and social distancing. Finally, we encourage you to publicly release DJJ's response plans for any potential outbreak in its facilities and

³ See Email from LaShana Harris, Comm'r, Ky. Dep't of Juv. Just., to Corey Shapiro, Legal Dir., ACLU of Ky. (Apr. 7, 2020).

⁴ See *COVID-19 Updates from DYS*, OHIO DEP'T OF YOUTH SERVICES (last visited Apr. 14, 2020), <https://www.dys.ohio.gov/Home/COVID-19-Updates-from-DYS>.



confirm whether those response plans have yet been implemented in any facilities impacted by COVID-19.

We thank you for your attention to this matter. Kentucky families have a right to know whether their detained or incarcerated children are being adequately protected from the coronavirus pandemic. While youth may have a lower risk of death than some other demographic groups, sad experience has shown both that no one is immune to COVID-19 and that correctional environments are particularly dangerous settings for this disease. Furthermore, the potential for sick children also puts at risk the dedicated DJJ staff and medical responders who care for these children. By taking bold actions to reduce the risk of outbreak and maintaining full public transparency about DJJ's exposure to COVID, you can help protect the health and safety of the children in DJJ custody, the employees who care for them, and all of their connected families and communities.

Thank you for your time and effort, and we look forward to your prompt response and speaking with you on April 29.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Shapiro". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Corey Shapiro
Legal Director

Cc: William Codell
Amanda Mullins Bear
Rebecca DiLoreto