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March 26, 2020

The Honorable Andy Beshear
Governor, Commonwealth of Kentucky
700 Capital Avenue, Suite 100
Frankfort, KY 40601

Dear Governor Beshear,

On behalf of the Children's Law Center, we thank you for your leadership and courage during this global pandemic. All of us here appreciate your efforts to protect Kentuckians. We are writing to share our concerns about the impact of the coronavirus disease (COVID-19) virus on incarcerated youth. This letter is a product of a nationwide collaboration among organizations who represent and advocate for our youth. As a legal non-profit organization that represents children in cases involving education, juvenile justice, and protection from harm, we consider the recommendations outlined below to be best practices for Kentucky's kids.

As states across the country undertake steps to stop the spread of the COVID-19 virus, closing schools, canceling events, and shifting to supporting children in their homes and communities, one group of young people is being left behind: the hundreds of kids who pass through the halls of our juvenile detention and youth development centers across the state. According to the Annie E. Casey Foundation Kids Count Data Center, in 2017, there were 555 youth residing in juvenile detentions, correctional, or residential facilities. See www.datacenter.kidscount.org.

Research by health care experts shows that incarcerated populations are most at risk during a public health crisis. COVID-19 spread quickly in enclosed spaces such as cruise ships and nursing homes and 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 as incarcerated youth are in close quarters and sometimes in unsanitary conditions. Behind bars, youth are not able to



participate in proactive measures to keep themselves safe, such as social distancing, frequently washing hands, or staying in sanitized spaces. Infection control is a challenge in these situations as incarcerated youth are often in large congregate and communal settings. Even if youth are in individual cells, ventilation is often inadequate. When traveling to and from court, hearings or legal appointments, it is harder to stop the spread of a virus while handcuffed or shackled.

Thankfully, the Kentucky Department of Juvenile Justice has attempted to take precautions to the extent they are able by limiting visitors and making arrangements for video conferencing with families and attorneys. Nonetheless, the DJJ is only able to do as much as the statute allows. Children are relying on lawmakers, judges, and elected officials to step in during this global crisis. Despite the precautions currently in place, the occurrence of this pandemic will only exacerbate mental health issues and further isolate youth. Not all youth detention and correctional facilities are equipped to meet the medical needs of youth if a COVID-19 outbreak inside juvenile detention or correctional facility should occur. If staff become ill, it will be difficult to provide care and support to youth and if lockdowns are utilized, that will only intensify virus infection rates.

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:

Immediately halting new admissions to juvenile detention and correctional facilities and initiating the removal of youth from juvenile detention and correctional facilities by:

- Examining all pre- and post-adjudication release processes and mechanisms and begin employing these as quickly as possible;
- Removing youth who have COVID-19 symptoms; chronic illnesses, such as asthma or diabetes; other serious illnesses; or are in need of medical care;
- Eliminating any form of detention or incarceration for youth unless a determination is made that a youth is a substantial and safety risk to others.

While youth are awaiting release:

- Provide written and verbal communications to youth on Covid-19, access to medical care, and community based supports;
- Ensure continued access to education;
- Ensure access to legal counsel through confidential visits or teleconferencing;
- Ensure access to family contacts and support networks;
- Guarantee access to unlimited, phone calls.

Create transitional plans for youth released from custody to:

- Ensure they have a place to live;



- Meet their basic needs;
- Receive immediate & adequate medical care;
- Ensure immediate access to Medicaid.

For youth on probation:

- Eliminate incarceration as an option for technical violations of probation;
- Allow youth to travel and access medical care, stay isolated when necessary, and take care of themselves and their loved ones;
- Eliminate requirements for in-person meetings with their probation officers;
- Place a moratorium on all requirements to attend and pay for court and Probation-ordered programs, community service and labor.

Expand community-based programs for youth in the justice system by:

- Investing money so that they are effectively supported in their communities.
- Utilizing SB 200's Fiscal Incentive Program model to help fund community based programs with money saved through de-incarceration efforts.

With this letter, I am attaching some guidance on this issue from other state and national groups. If you have additional questions or need more information, you can reach me by email at abeck@childrenslawky.org or cell phone at 859-653-7645.

Thank you for your time and consideration. I look forward to hearing from you.

Sincerely,

Acena Beck
Executive Director

