

March 19, 2020

Valerie Boykin, Director
Virginia Department of Juvenile Justice
600 East Main Street
Richmond, VA 23219

Dear Director Boykin:

On behalf of RISE for Youth we are writing to share our concerns about the impact of the Coronavirus Disease 2019 (COVID-19) on incarcerated youth.

As states across the country undertake steps to stop the spread of the COVID-19 virus by closing schools, canceling events, and shifting to supporting children in their homes and communities, one group of young people is not receiving the full weight of these precautionary efforts: the nearly 50,000 youth in custody in the United States.

Thank you for the work you are doing to minimize the threat of COVID-19 spreading into the correctional and detention centers of Virginia. Research by health care experts, however, shows that 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 and if introduced, will spread just as quickly in detention centers, prisons, and jails. Contagious viruses, such as COVID-19, have the potential to spread much faster in detention and correctional centers as incarcerated youth are in close quarters and often in groups much larger than the Governor's declared limitation of 10 individuals or less. Adults coming in and out of facilities have the potential to bring in viral germs that youth behind bars are not able to proactively keep themselves safe from encountering. Safety measures such as social distancing, frequently washing hands, or staying in sanitized spaces are not as readily available to incarcerated youth. Infection control is challenging in typical environments and presents a unique challenge in carceral settings where youth are often in large congregate and communal spaces. Even if youth are in individual cells, ventilation could pose a greater risk of spreading viral germs by circulating recycled but unpurified air. Handcuffed or shackled youth also have a harder time protecting themselves from and spreading viral germs.

RISE again recognizes the efforts the DJJ has taken, such as closing the school, limiting court actions to emergencies and canceling visitation. We believe however that youth need their support systems now, more than ever. Increased isolation will likely exacerbate a young person's mental health issues. Further, youth detention and correctional facilities are not equipped to meet the medical needs of youth if a COVID-19 outbreak inside a juvenile detention or a correctional facility should occur. Youth would not have many options to stay away from others if they become ill and there are limited infirmary beds. In the event of an outbreak, it would become increasingly difficult to provide appropriate care and support to youth as lockdown and solitary confinement are inappropriate responses to combat the spread of symptoms, and would likely have the unintended consequence of intensifying virus infection rates.

To work proactively to prevent the spread of COVID-19, RISE for Youth urges you to adopt these measures to protect youth under the supervision of the juvenile justice system:

1. Immediately halt as many new admissions to juvenile detention and correctional facilities as possible and initiate the appropriate release of youth from juvenile detention and correctional facilities by:
 - a. Examining all pre- and post-adjudication release processes and mechanisms and employing these processes as quickly and as liberally as possible.
 - b. Release to appropriate medical care facilities or other safe living environments youth who have COVID-19 symptoms, chronic illnesses, such as asthma, diabetes, or who are at greater risk of contracting COVID-19 due to other illnesses.
 - c. Eliminate the use of detention or incarceration for youth unless a determination is made that a youth presents a substantial safety risk to others or to the community.
2. While youth are awaiting release:
 - a. Provide written and verbal communications to youth regarding Covid-19, provide access to COVID-19 testing and healthcare.
 - b. Ensure continued access to education.
 - c. Ensure confidential access to legal counsel through in person visits or teleconferencing.
 - d. Ensure liberal access to family and support networks through open phone access.
3. Create appropriate transitional plans for youth released from custody to:
 - a. Confirm youth have a safe and adequate place to live.
 - b. Ensure young people's basic needs are met.
 - c. Ensure immediate & adequate medical care is provided.
 - 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 without fear of probation violation.
 - 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. Create an immediate moratorium 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 to address the economic instability exasperated by COVID-19.

RISE for Youth appreciates your commitment to the safety of our most vulnerable youth and are equally committed to being a resource to help support our most vulnerable youth during this crisis. We can be reached at valerie@riseforyouth.org or by phone at (804) 709-8780.

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

Sincerely,

RISE for Youth