For immediate release:
April 15, 2020
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Virginia Commonwealth’s Attorneys Call for Safe Release of Incarcerated Youth Amid COVID-19

Elected lawyers urge state official to stop as many new admissions as possible, remove youth posing no threat to safety from prisons to reduce risk of infection and community spread

Today, April 15, 2020, many Virginia Commonwealth’s Attorneys address an open letter to Secretary of Public Safety and Homeland Security, Brian Moran, calling for the safe release of incarcerated youth who pose no safety risk to the community and a halt to as many new admissions as possible at youth detention centers and youth prisons.

The Commonwealth’s Attorneys join RISE for Youth, Physicians for Criminal Justice Reform, the Leadership Conference on Civil & Human Rights, and other advocates in recommending several measures to protect vulnerable youth behind bars from the spread of the infectious virus.

Recommendations include removing youth who have COVID-19 symptoms or chronic illnesses, such as asthma, diabetes or other serious illnesses; eliminating any form of detention or incarceration for youth unless a determination is made that a youth is a substantial safety risk to others; providing access to COVID-19 testing and healthcare while youth are awaiting release; ensuring continued access to education; and arranging access to family and support networks through open phone access.

Incarcerated populations are most at risk during a public health crisis and youth detention centers and prisons commonly hold children in close quarters. While incarcerated, young people are unable to adequately practice all recommended safety precautions. Just as COVID-19 spread quickly in enclosed spaces, such as cruise ships and nursing homes, it has also begun spreading in detention centers, prisons and jails. These facilities are not equipped to handle the medical needs of youth if a COVID-19 outbreak should occur inside a juvenile detention or correctional facility.

“Statewide, we’re not doing enough when it comes to our response to COVID-19,” said Steve Descano, Fairfax County Commonwealth’s Attorney. “This outbreak is an opportunity for us to re-examine the way that we do things and come together across legal divides to find common ground.”

“As Virginia addresses the pandemic, we must also protect our young people in custody,” said Valerie Slater, Esq., RISE for Youth Executive Director. “COVID-19 has already made its way into our one remaining youth prison and the system is not equipped to safeguard young people as the outbreak worsens.”

The full letter can be read here.