

**ACLU**

West Virginia

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March 19, 2020

The Honorable Jim Justice  
Governor  
State of WV  
1900 Kanawha Blvd E.  
Charleston, WV 25305  
*Delivered via e-mail*

Dear Governor Justice,

On behalf of the American Civil Liberties Union of West Virginia and the National Juvenile Justice Network, we are writing to share our concerns about the impact of the coronavirus disease (COVID-19) virus on incarcerated youth.

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 nearly 50,000 youth in custody in the United States.

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.

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 youth. Further, youth detention and correctional facilities are unlikely equipped to meet the medical needs of youth if a COVID-19 outbreak inside juvenile detention or correctional facility should occur. Youth will not have many options to stay away from other youth if they become ill and there are limited infirmary beds. 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:

1. Immediately halting new admissions to juvenile detention and correctional facilities and initiating 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 and 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, 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 & 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 \$\_\_ million so that they are effectively supported in their communities.
6. Address the economic instability caused by COVID-19 by creating an immediate moratorium on the assessment and collection of all fines and fees in the juvenile legal system for the duration of the public health and economic crisis.

If you have additional questions or need more information, you can reach us by contacting Eli Baumwell at [ebaumwell@acluwv.org](mailto:ebaumwell@acluwv.org) or by phone at (607) 279-9057.

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

Sincerely,

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*He/him/his*  
Policy Director  
ACLU – WV

CC (by e-mail):

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