



Juvenile Justice Coalition
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Governor DeWine
Office of the Governor
77 S. High Street – 30th Floor
Columbus, Ohio 43215

SENT VIA EMAIL

Dear Governor DeWine:

We are writing to share our concerns about the impact of the novel coronavirus (COVID-19) on justice-involved youth in our state. Thanks to your leadership, Ohio is providing the country one of the most proactive and evidence-based guides to preventing virus spread. As we take the precautions to close schools, cancel events, and shift to supporting children in their homes and communities, we fear that one group of young people is being left behind: those under the supervision of the juvenile justice system.

We urge you to publish and enact plans for the prevention and management of COVID-19 in the Department of Youth Services and local jurisdictions across Ohio. Research by health 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 will spread just as quickly in detention centers, prisons, and jails, especially as incarcerated youth are in close quarters and sometimes in unsanitary conditions. Behind bars, youth are not able to participate in recommended preventative 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. 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 young people and if lockdowns are utilized, that will only intensify virus infection rates.

Exposing children, their families, and the rest of their communities to this danger is unnecessary. To prevent the disastrous spread of COVID-19, we urge you to publicly share your emergency plan for addressing COVID-19 in the juvenile justice system and that you work with counties to follow suit. We recommend the plan include a combination of the following measures to protect youth at both the state and local level across Ohio.

Recommendation: Population reduction

1. **Halt new admissions to juvenile facilities.** This includes suspending the processing of young people through court or at minimum using court as a last resort. All pre- and post-adjudication release processes and mechanisms should be examined and employed as quickly as possible. Courts should not process or place youth in custody, and families should not be penalized for failures to appear. Wherever possible, young people should be diverted to an alternative to detention.
2. **Release as many young people from facilities as possible.** This includes removing youth who have not been convicted of a charge and those who are being held on technical probation violations. Children who have COVID-19 symptoms and who are immunocompromised or in any way at medical risk to COVID-19 should be immediately released. All young people should be directed to alternatives to detention.
3. **Create transitional support for young people** to ensure that upon return to their community, they have a place to live, can meet their basic needs, will receive immediate & adequate medical care, and can have immediate access to Medicaid, all to reduce their susceptibility to the virus.

Recommendation: Mitigation while youth are awaiting release

1. **Give young people accurate information.** Provide both written and verbal communications to youth on COVID-19, access to medical care, and community based supports.
2. **Maintain social connections.** While in-person visits are suspended, isolation can be deadly for the mental health of young people. All fees should be waived for calls, video visitation, and young people should be guaranteed access to communication with their friends and family.
3. **Institute processes to replace programming.** While volunteer and in-person programming is suspended, take measures such as waiving commissary fees and loosening restrictions on access to books and other materials to promote positivity and engagement for youth.
4. **Provide continued access to education** via distance learning.
5. **Continue access to legal counsel** through confidential visits with full sanitary measures or through teleconferencing.

Recommendations for youth on probation:

1. **Reduce probation consequences.** Eliminate incarceration as an option for technical violations of probation. Probation violations should also not be issued based on school attendance; while many schools switch to distance learning, many of our children may not have access to necessary technology.
2. **Reduce any conditions of probation that can increase social contact.** Eliminate requirements for in-person meetings with their probation officers and do not enforce probation activities that would require a young person to use public transportation.
3. **Allow youth to travel** and access medical care, stay isolated when necessary, and take care of themselves and their loved ones.
4. **Place a moratorium on all requirements to attend and pay for** court and probation-ordered programs, community service and labor.

Just yesterday, you reminded us that we must “take whatever action is necessary to preserve lives in Ohio.” These are the actions necessary to preserve the lives of our young people, their families, and all of us. If you have additional questions or need more information on this urgent matter, please reach us by email at info@jjohio.org.

Sincerely,
Juvenile Justice Coalition
ACLU of Ohio
Policy Matters Ohio

cc: Dr. Amy Acton, Director, Ohio Department of Health
Ryan Gies, Director, Ohio Department of Youth Services
Julie Walburn, Assistant Director, Ohio Department of Youth Services