



March 16, 2020

Dear Juvenile Justice System Stakeholders,

With cases of COVID-19 multiplying by the day, it is only a matter of time before the virus enters Louisiana's jails and prisons - if it hasn't already. While there has been some discussion about the devastating impact this will have on incarcerated people, little attention has been paid to one of the most vulnerable populations in custody: our children.

Louisiana incarcerates hundreds of children across 13 locally operated pre-trial detention centers, four state operated secure care facilities (i.e., juvenile prisons), and a number of non-secure residential facilities. Like adult jails and prisons, juvenile facilities are inherently high-risk environments where the disease can spread quickly. Children are housed closely together in units or dormitory-style housing, precisely the kind of conditions that have led to the closure of universities all over the country. Even in well-run facilities, the social distancing recommended by the CDC is simply impossible.

In such a setting, most of what we can do to protect against the spread of the virus is detrimental to children's well-being. Facilities are prohibiting visitors, meaning lawyers can't visit their clients and families can't visit their children. School and other programming is cancelled. The use of solitary confinement, which is deeply traumatizing for a child, is likely to increase. All of these factors not only put a child's emotional health at risk, they also jeopardize their long-term rehabilitation.

To stave off a public health emergency in our juvenile jails and prisons, we must immediately and dramatically reduce the number of children who are incarcerated. For those who remain in custody, we must do all we can to protect their health, safety, and constitutional rights. To that end, we call on state and local officials to take swift action on the following:

1. No child should be arrested for normal adolescent misbehavior.
 - o Law enforcement should decline to make an arrest for minor disciplinary issues. If an arrest must be made, they should take full advantage of the option to counsel and release that is available to them under Louisiana Children's Code Article 814.
2. No child should be jailed for non-violent offenses, misdemeanors, or technical violations, including failures to appear.
 - o Children who are arrested should be released to their parents or guardians unless there is clear and compelling evidence that this cannot be done safely. If some level of supervision is required, home supervision programs should be utilized instead of detention.
 - o Jurisdictions that are preparing for the implementation of Act 147 should begin enacting detention screening practices now. If no screening process is in place, judges should review each case on an individual basis before any child is detained.
3. If they are detained, children should be released from detention as quickly as possible.
 - o Courts must continue to hold continued custody hearings, even if other court operations are suspended. These hearings should be held on the same day the child is arrested. If that

- is not possible, they should be held the next day. Arrangements should be made to hold hearings during weekends.
- Judges should exercise their authority to release children who are detained without a continued custody hearing.
 - Judges should review a list of the children that they have ordered into detention and identify those who may be suitable for release daily.
 - Rural jurisdictions that do not hear juvenile cases regularly, in particular, must take steps to speed up case processing.
 - No child should remain in jail solely based on their inability to pay bail.
4. Courts should postpone any hearings that do not pertain to a child’s liberty, or are required to provide for due process.
- Continue all pre-trial cases for at least 30 days if a child is not in custody.
 - Do not schedule any review hearings for children who are on probation for at least 30 days.
5. Children in state custody who can return to the community safely should be sent home.
- Upon motions from the Office of Juvenile Judges and defense attorneys, judges should modify dispositions for children who have done well in confinement and are ready to return to the community.
 - If children are on furlough and no problems have arisen, the Office of Juvenile Justice should allow the child to remain on furlough, or seek modification of the disposition so the child can remain at home. Other children who may be good candidates for furlough during this critical period should be identified and sent home.
 - Judges should not sentence children to OJJ custody for non-violent offenses, misdemeanors, or probation violations.
6. Facilities must reduce the risk of exposure without compromising children’s safety or rights.
- Allow children to have frequent contact with their family members—electronically or via phone— at no charge and without limitation.
 - Provide quality soap, CDC-recommended hand sanitizer, comprehensive sanitation of facilities, and quality medical care free of charge.
 - Ensure that children in custody have the same access to remote learning materials as children in the community do
 - Ensure children can speak with their attorneys *confidentially* over the phone.
 - Develop and implement protocols to avoid spread of the virus that do not rely on isolation. Room confinement and unit lockdowns should not be used to quarantine children or to manage understaffing.

As a society, we have a shared responsibility to take care of our children, especially during such a dangerous and unprecedented global pandemic. If we are to have any chance at protecting incarcerated children, facility staff, and the larger community, the time to act is now.

Sincerely,



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