

Children's Policy and Law Initiative of Indiana

A member organization of the National Juvenile Justice Network

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March 30, 2020

To:

Indiana Governor Eric J. Holcomb

Indiana Supreme Court Chief Justice Loretta H. Rush

Indiana Juvenile Detention Alternatives Initiative (JDAI) Steering Committee Chair and Supreme Court Justice Steven H. David

Indiana Department of Correction Commissioner Robert E. Carter, Jr.

Indiana Prosecuting Attorney Council Executive Director Chris Naylor

Indiana Public Defender Council Executive Director Bernice Corley

Indiana State Public Defender Amy E. Karozos

Dear All:

On behalf of members of the Indiana Coalition for Youth Justice, I am writing to share our concerns about the impact of the coronavirus disease (COVID-19) on incarcerated youth in Indiana and share specific recommendations for Indiana's response to this growing public health crisis.

As the public health crisis of the COVID-19 increases, and communities respond by closing schools, canceling events, imposing social distancing, sheltering at home and shifting to supporting children at home, we are concerned that youth in custody, both in state correctional facilities and county detention centers and jails in Indiana, and those who take care of them, will face escalating health risks. This situation is deeply concerning.

We understand that your offices are already at work to address some of the issues youth and staff are facing, and we thank you for your ongoing efforts. We also understand that this is a very fluid situation and plans are emerging county by county. We write to emphasize the serious need for implementation of a uniform, evidence-based, *state-wide* action plan for the youth in



detention and commitment, and we are happy to offer ourselves as a resource as you develop that plan.

In our collective view, five urgent steps are needed: (1) immediately and safely decrease the number of youth in state correctional and county detention facilities; (2) dramatically decrease new admissions into these secure facilities; (3) change court practice to dramatically decrease in-person appearances in court and in-person reporting to probation; (4) swiftly implement video visitation to allow family to communicate with their scared and isolated children, and professionals and attorneys to contact their clients without requiring in-person visits; and (5) plan for and implement evidence-based, humane and rights-affirming measures to protect the health and wellbeing of youth and staff. These steps are more specifically explained below.

We realize that some of these steps are happening in some counties, especially JDAI counties, and that the JDAI counties are engaging in weekly best-practice information exchange. Given the nature of the public health crisis, we urge that all counties have the benefit of this information and that the affected families and public share in this information to understand what coordinated steps are being undertaken statewide for justice system-involved youth in response to this public health emergency.

Research shows that people who are incarcerated are most at risk during a public health crisis. COVID-19 spreads quickly in enclosed spaces, and raises serious challenges for detention centers and prisons. Youth behind bars reside in close quarters and may not be 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 particular challenge due to the large congregate and communal characteristics of these settings, and even if youth are in individual cells, ventilation is often problematic. Handcuffing and shackling procedures when transporting youth can make stopping the spread harder.

We are concerned that youth detention and correctional facilities may not be equipped to meet this crisis or the medical needs of youth if and when a COVID-19 outbreak should occur. Youth may not have options to stay away from staff or other youth if they become ill, and limited infirmary beds are a serious concern. Staff becoming ill is also likely, and it may become very difficult to provide care and support to youth. If lockdowns are utilized, that may intensify viral infection rates. National organizations are urging state and community responses that bring youth home whenever possible instead of keeping them in detention facilities where disease can spread rapidly.

The Children's Policy and Law Initiative of Indiana and the undersigned state and local organizations join with national organizations Youth First, Physicians for Criminal Justice Reform (PCJR), Youth Correctional Leaders for Justice (YCLJ), Act 4 Juvenile Justice, Campaign for

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Youth Justice, Center for Children’s Law & Policy, Coalition for Juvenile Justice, National Juvenile Justice Network, Performing Statistics, and National Juvenile Defender Center, among many others, including state advocates in 30; in calling for releasing detained and incarcerated youth who do not present serious public safety risks to be cared for and supervised in their homes, halting new admissions other than those who present a substantial risk to others; and establishing and ensuring the implementation of a publicly shared Coronavirus Safety Plan that aligns with CDC guidelines for all children who remain in the care, custody or supervision of our justice system. I am sending along PCJR’s open letter outlining their health concerns and Recommendations for Youth Justice Systems During COVID-19 by Youth Correctional Leaders for Justice. We urge all juvenile justice and state officials to implement these recommendations as part of a state plan and act swiftly.

Accordingly, we urge you to consider the adoption and support of the following measures to protect youth under the supervision of the juvenile justice system:

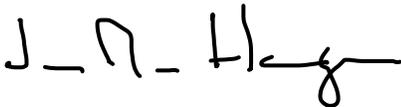
1. Immediately begin limiting new admissions to juvenile detention and correctional facilities and initiating the removal of appropriate youth from juvenile detention and correctional facilities by:
 - a. Examining all pre- and post-adjudication release processes and mechanisms and begin employing these as quickly as possible.
 - b. Removing youth who have COVID-19 symptoms, chronic illnesses, such as asthma or diabetes, and other serious illnesses;
 - c. Eliminating any form of detention or incarceration for youth unless a determination is made that a youth is a substantial safety risk to others.
2. While youth are awaiting release:
 - a. Provide written and verbal communications to youth on Covid-19, and access to medical care and community-based supports;
 - b. Ensure continued access to online or remote 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 phone calls.
3. Create transitional plans for youth released from custody to:
 - a. Ensure they have a safe place to live;
 - b. Meet their basic needs;
 - c. Receive immediate and 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 and transition to online or cellular meetings, when feasible;
 - d. Provide virtual opportunities for counseling services;
 - e. Place a moratorium on all requirements to attend and pay for court and probation-ordered programs, community service and labor.

5. 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.

We realize that this public health crisis is urgent and emerging, and much planning is underway at all levels of government. We thank you for all you have done to ensure the safety of Indiana residents, and extend our gratitude in advance for all you are doing and will do to undertake the critical actions necessary to minimize the escalating public health crisis for one of Indiana's most vulnerable populations.

Sincerely,



JauNae Hanger, JD
President

Sign-on Organizations:

Jane Henegar, Executive Director, ACLU of Indiana
Ashley Gurvitz, Alliance for Northeast Unification (ANU), Indianapolis
Dountonia Batts, Executive Director, Appellate Justice Project for Domestic Violence Survivors
Pastor Linda McCrae, Central Justice Network of Central Christian Church, Indianapolis
Rev. David Greene, Sr. M. Div., President, Concerned Clergy of Indianapolis, Inc.
Pastor Richard Reynolds, Crown Community Development Corp., Indianapolis
Siobhan McEvoy-Levy, Ph.D., Director, Desmond Tutu Peace Lab at Butler University
Barato Britt, President and Chief Executive Officer, Edna Martin Christian Center, Indianapolis
Tanya McKinzie, J.D., President and Chief Executive Officer, Indiana Black Expo

Chris Weintraut, J.D., Executive Director, Indiana Chapter of American Academy of Pediatrics
Laura Berry, Executive Director, Indiana Coalition Against Domestic Violence
Timike Jones and Devina Jani, M.S.W., Co-Chairs, Indiana Disproportionality Committee
Barbara Bolling-Williams, President, Indiana State Conference of the National Association for the Advancement of Colored People (NAACP)
David Westenberger, Chief Executive Officer, Indiana Youth Services Association
Pastor Ivan Douglas Hicks, Ph.D., The Indianapolis Ministerium
Chrystal Ratcliffe, President, Indianapolis National Association for the Advancement of Colored People (NAACP)
Dr. James Scheurich, Indianapolis Public Schools (IPS) Community Coalition
Tony Mason, President and Chief Executive Officer, Indianapolis Urban League
Cecelia Whitfield, President, Keeping Families Connected, Inc.
Lindsay (Faulkenberg) Scott, JD, President and Chief Executive Officer, Kid's Voice of Indiana
John Brandon, President and Chief Executive Officer, Marion County Commission on Youth, Inc. (MCCOY)
Drenda Henry, President, National Council of Negro Women, Indianapolis Section
Toby Miller, Executive Director, One Heart Indiana
Sandy Runkle, Program Director, Prevent Child Abuse Indiana, a division of The Villages
Kathie Clemenz, President, United Methodist Women of Indiana
George Milsap, Director of Programs, Youth Advocate Program
Charity Lewis, M.J., Youth Empowered, Inc.