



March 25, 2020

Governor Steve Sisolak

Ross Armstrong, Administrator, Nevada Division of Child and Family Services

John "Jack" Martin, Director, Clark County Juvenile Justice Services

Joey Orduna-Hastings, Co-Chair, Juvenile Justice Oversight Commission

Honorable Egan Walker, Co-Chair, Juvenile Justice Oversight Commission

Frank Cervantes, Director, Washoe County Juvenile Services

Honorable William Voy, Judge Department-A, Eighth Judicial District Court

*Re: Request for immediate action to address COVID-19 in Nevada's juvenile detention and commitment facilities*

We the undersigned organizations, write to call upon you state leaders of Nevada's juvenile justice system to act immediately to reduce the impact of COVID-19 on incarcerated youth, to protect the lives of youth, their families, detention staff, court staff, attorneys, probation officers, and the Nevada public from community spread of COVID-19.

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 50,000 youth in custody in the United States. In Nevada there are over 160 youth in custody at Nevada's Caliente, Summit View and Nevada Youth Training centers with additional thousands of youth held in county and local facilities.

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.

We understand that your offices are already at work to address some of the issues youth and staff are facing, and thank you for your ongoing attention to the issue. 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 offer ourselves as resources as you develop that plan.

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. The California Department of Corrections has recently had an inmate test positive for COVID-19. We urge you to take the necessary measure in order to prevent this from happening in Nevada.

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. Reduce new admissions to juvenile detention and correctional facilities and initiating the removal of youth from juvenile detention and correctional facilities by:
  - a. Eliminating any form of detention or incarceration for newly arrested youth unless a determination is made that a youth poses a substantial and serious risk of physical harm to others, and, eliminate or stay commitment sentences for youth whenever possible to avoid putting new youth into commitment facilities.
  - b. Stop issuing arrest warrants, when the child does not pose a substantial and serious risk of physical harm to others, for failures to appear, technical violation of probation or pre-trial release, etc. Allow youth with outstanding warrants who are not a danger to call, rather than surrendering in person, to clear the warrant and schedule a future court date.
2. Initiate the removal of youth from juvenile detention and commitment facilities by:
  - a. Holding hearings for currently detained youth to reconsider bond/holds, and releasing all youth that can be safely released to the community as quickly as possible. Consider temporary placement with kin and other responsible adults, as permitted by statute, to find creative solutions for the safe release of youth.
  - b. Ordering the immediate release of any juvenile who is eligible for release but remains in detention (for example, because they are awaiting placement by county DCFS). Juveniles who can be safely released should never be held in detention because they are awaiting action by child welfare, and are particularly at risk right now.
  - c. Examining all post-adjudication release processes and mechanisms and begin releasing committed youth who can be safely released to the community as quickly as possible. Initially focus on youth who are within six months of completing their commitment sentence and determine whether these youth can be released to a community setting immediately to complete their sentences. Release all youth who are able to be safely managed in the community as quickly as possible.
3. Remove youth who have COVID-19 symptoms; chronic illnesses or underlying conditions, such as asthma or diabetes; other serious illnesses; or are in need of medical care, to the community or to hospitals or facilities that can provide appropriate care. Create a written and public plan for how each facility will provide adequate care to youth in secure facilities in the event of an outbreak and increase medical resources, including staff and equipment, as necessary to execute this plan.

4. While youth are awaiting release:
  - a. Swiftly implement video visitation at all facilities for families, and confidential video visits for professionals including attorneys, guardians ad litem, social workers, investigators, mental health providers, and other professionals who must have access to youth for legal reasons or who can provide youth with mental health care or support during this stressful time.
  - b. Provide written and verbal communications to youth on COVID-19, access to medical care, and community-based supports.
  - c. Ensure continued access to education.
  - d. Ensure access to legal counsel through confidential visits or teleconferencing.
  - e. Ensure access to family contacts and support networks.
  - f. Guarantee access to unlimited, cost free phone calls.
5. 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.
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, including fees assessed prior to July 1, 2019 (the effective date of AB 439 ending assessment of new fees).

Given the public health emergency we are facing, we ask that you exercise your powers as broadly as possible to prevent the detention and incarceration of youth, and thereby minimize exposure to family, staff, probation officers, attorneys, judges, transport officers, and all other justice partners. Releasing youth before they become exposed will protect all citizens in Nevada.

Sincerely,

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 ACLU of Nevada

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 Berkeley School of Law

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