



March 19, 2020

The Honorable Greg Abbott
Governor of Texas
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428
Delivered via email to allegra.hill@gov.texas.gov

Dear Governor Abbott,

With cases of coronavirus disease (COVID-19) increasing daily, we can expect the virus to enter Texas' juvenile facilities and detention centers, if it has not already. We are writing to share our concerns about the impact of COVID-19 virus on incarcerated and detained youth. As Texas takes steps to stop the spread of the COVID-19 virus, closing schools, canceling events, and shifting to supporting children in their homes and communities, we are writing about one group of young people that has the potential to be left behind: youth in custody in Texas.

Research by health care experts shows that incarcerated populations are most at risk during a public health crisis. COVID-19 spreads 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 take proactive measures to keep themselves safe, such as practicing 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 visits for youths' families, we believe that this is not a time for youth to be separated from their families. 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 halt new admissions to juvenile detention and correctional facilities and initiate the removal of youth from juvenile detention and correctional facilities by:
 - a. Examining all pre- and post-adjudication release processes and mechanisms and 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 immediate safety risk to others; and
 - d. Reducing or eliminating referrals to the juvenile justice system from foster care providers and schools and for children under the age of 14.
2. While youth are awaiting release:
 - a. Provide written and verbal communications to youth and their families 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;
 - e. Ensure access to medical care, including mental health care; and
 - f. Guarantee access to unlimited, free phone calls.
3. Create transitional plans for youth released from custody, including youth who are in foster care. Each plan should ensure the following:
 - a. A designated place to live;
 - b. A confirmation of how basic needs will be met; and
 - c. A provision for immediate and adequate medical care.
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 families, as needed;
 - c. Eliminate requirements for in-person meetings with their probation officers;
 - d. Place a moratorium on all requirements to attend court and probation-ordered programs, including community service or other work programs; and
 - e. Suspend billing to youth or their families for probation or court-ordered programs.
5. Expand community-based programs for youth in the justice system so that they are effectively supported in their communities.

If you have additional questions or need more information, you can reach us by email at the addresses below. Thank you for your time and consideration. We look forward to hearing from you.

Sincerely,

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