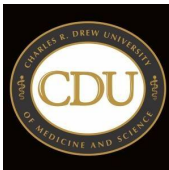
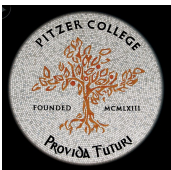
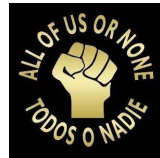


ALLIANCE FOR
Boys and Men of Color



Because Everyone Deserves a
Healthy Relationship



IN THE CONTEXT OF THE COVID-19 PANDEMIC, URGENT ACTION IS NEEDED TO ENSURE EQUAL PROTECTION AND DUE PROCESS FOR YOUTH AND OTHERS UNDER PROBATION CUSTODY AND SUPERVISION

March 16, 2020

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Jackie Lacey, Los Angeles County District Attorney
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Erika Anzoategui, Director, LA County Alternate Public Defender's Office
Judge Kevin Brazile, Presiding Judge, Los Angeles Superior Court
Judge Victor Greenberg, Presiding Judge, LA County Juvenile Court
Judge John Lawson, Assistant Presiding Judge, LA County Delinquency Court
Judge Akemi Arakaki, Assistant Presiding Judge, LA County Dependency Court
Max Huntsman, Inspector General, Los Angeles County
Judge Peter Espinosa, Director, LA County Department of Health Services, Office of Diversion and Re-entry
Refugio Valle, Director, LA County Division of Youth Diversion and Development
Taylor Schooley, Senior Research and Policy Manager, LA County Division of Youth Diversion and Development
Eric Garcetti, Mayor, City of Los Angeles
Gavin Newsom, Governor, State of California
Assemblymember Reginald Jones-Sawyer, Chair, California State Assembly Public Safety Committee
Senator Nancy Skinner, Chair, California State Senate Public Safety Committee
Senator Toni Atkins, President Pro-Tem, California State Senate
Assemblymember Anthony Rendon, Speaker, California State Assembly

To the officials responsible for the health, safety and due process rights of youth under the custody and supervision of LA County Probation, youth who are impacted by arrest and detention, as well as for adults on Probation field supervision:

Given the current COVID-19 pandemic, as organizations led by people currently and formerly on Probation, family members with loved ones inside, and/or organizations that serve system-involved youth and adults, we are writing to urge you to immediately enact these emergency procedures for young people under Probation custody and supervision, as well as for adults under Probation field supervision, in order to support everyone's health and safety, while also protecting their rights to due process, programming and family connection.

The US Center for Disease Control and Prevention (CDC) suggests that between 160 million and 210 million Americans could contract the virus over as long as a year. Using current mortality data and hospital capacity, the number of deaths under the CDC's predictions range from 200,000 to as many as 1.7 million.

While we appreciate efforts that LA County Probation has taken to post protocols on the Department's website, the current protocols are severely lacking.

We do not feel that system-involved youth and adults, nor their families and communities, are protected against the health risks of COVID-19 when officials – from our municipal and county officials, the Governor, Congress, and the White House have made regular pronouncements to the media regarding containment, testing and treatment plans without mentioning the most vulnerable and invisible individuals – those who are under custody and supervision.

Given current, recent and historical examples of health epidemics within LA County's carceral settings, including outbreaks of Mumps, Tuberculosis, Hepatitis C, Staph infection, Valley Fever, H1N1 and HIV, we can expect that COVID-19 would spread much more quickly and with more devastating results in the closed, unsanitary, medically under-resourced, and often overcrowded conditions of youth and adult jails and prisons, residential treatment centers, placements and Probation area offices.

These conditions are exacerbated by the fact that health systems in carceral facilities are under-resourced and of poorer quality, and that the people detained and incarcerated represent a much higher population of medically vulnerable individuals often suffering compromised immune systems, medical conditions, and a lack of access to medical care throughout their lives.

Added to this, the LA County Sheriff's and Probation Departments have failed to create adequate evacuation and treatment planning in response to wildfires and contaminated water crises. The lack of planning and infrastructure during past emergencies leaves people inside, their families and the larger community even more concerned regarding the system's response to COVID-19.

In addition, this is a racial justice issue, given that over-policing and disparate treatment at every stage of the juvenile and adult systems has led LA County's juvenile halls and Probation camps (youth prisons) to be represented by 95% Black and Brown youth with similar racial disparities among youth and adults in placements or on Probation field supervision. *Specifically, we are urging LA County Probation and County officials to immediately do the following:*

1. Establish and advertise broadly a regular community webinar to field questions, concerns and solutions from people who are system involved, our families and communities.
2. Expand agency protocols to include these recommendations and share a revised COVID-19 plan for youth and adults on the Probation website, on the LA County Board of Supervisors website, on the Sheriff's (LASD) website, the Department of Health Services website, and posted and distributed as all juvenile halls, Probation camps, Youth Diversion and Development program hubs, Probation area offices, county jails, Sheriff's stations and municipal and school police department stations, area offices and jails.
3. Provide regular, online and phone updates on impact of COVID-19 on people under Probation supervision or custody and the County's response.
4. Guarantee access to legal counsel through confidential visits or teleconferencing for all people who are detained or incarcerated.
5. Cancel all Probation appointments at area offices, drug testing and mandated programs until the threat of COVID-19 infection has been eliminated. People should not be required to spend hours traveling to, traveling from, and waiting in administrative buildings for brief meetings with probation officers and related staff. Discharge people who no longer need supervision and allow others to check in by telephone.
6. Downsize the juvenile hall, camp, Dorothy Kirby and placement population through: (A) A moratorium on custody and immediate release for all technical Probation violations; (B) A moratorium and immediate releases from custody for all misdemeanor and low-level felony arrests and bench warrants; (C) Releasing people detained at local, municipal police and school police facilities rather than transferring them to a juvenile hall for assessment; (D) Facilitation by LA County's Division of Youth Development and Diversion (YDD) outreach to all 57 law enforcement agencies operating in LA County to YDD and its affiliated youth programs as an alternative to transporting youth to police stations and/or juvenile halls.

7. Ensure that all unhoused or under-housed youth (homeless or foster youth) be provided safe housing during the COVID-19 crisis, and extend these resources to their families if they are under the care of family members.
8. Petition the court to immediately release all medically compromised / vulnerable people who remain detained or incarcerated in order to protect them from exposure.
9. Petition the court to immediately release all young people who remain detained or incarcerated on 707b charges. The Superior Court should issue a directive for the immediate release of everyone incarcerated in county and state systems who are within one year of their release date.
10. Use teleconferencing and/or maintain physical court visits to ensure that people have access to all court proceedings as calendared. Place a moratorium on all imposition of court-ordered fees and fines - including program fees. Eliminate all financial penalties and extensions of Probation for a non-payment of fees or fines. (The Presiding Judge for the LA Superior Court – Kevin Brazile – stated Friday that judges have the authority to determine the calendar for their individual courtrooms in the County's 24 courthouses.)
11. Place a moratorium on all requirements to attend and pay for court and Probation-ordered programs, including drug testing and electronic monitoring, community service and labor.
12. Eliminate all penalties and extensions of Probation for non-attendance or non-payment in regards to court and Probation-ordered programs, community service and labor.
13. Guarantee access to unlimited, free phone calls, Skype, Facetime and teleconferencing to provide reassurance to increase family connection and provide regular access to families worried about their loved ones inside.
14. Increase and more deeply clean facilities - (including clothing, bedding, dorms and cells), and use more effective disinfectants as prescribed in epidemiologists given the health emergency COVID-19 represents.
15. Ensure access for all staff and detained youth to disinfectant and – if recommended by health personnel or requested – to masks.
16. Release all youth detained on a misdemeanor charge or conviction or a technical Probation violation in order to reduce the population inside.
17. Physically separate all youth taken by law enforcement to a juvenile hall from other youth and immediately release them to parents/guardians unless 707b charges and/or youth safety prohibit it.
18. Remove all youth showing symptoms of COVID-19 from juvenile halls and camps immediately to a hospital or other medical facility for treatment and – if released by medical personnel - quarantined in their homes or another safe, non-carceral setting pending the results of testing. (Isolation practices can discourage youth from reporting on symptoms if they fear it will lead to physical isolation and sensory deprivation for extended time.
19. Similarly, move all medically vulnerable youth - (including but not limited to those with respiratory illnesses, and those with deficient immune systems due to either medication and/or medical conditions) who do remain detained in juvenile halls, camps, Dorothy Kirby and placements away from the rest of the population.
20. Communicate through a press conference, media advisory and written notices to all youth in Probation custody, to all people on Probation supervision, and to all their families regarding that LA County has established these revised Protocols and that LA County has a duty to care for the health, safety and due process rights of people directly impacted by court, arrest, detention and incarceration.
21. Establish and post the protocols for screening for a fever all staff, community members and delivery personnel entering facilities.
22. Establish and post the protocols and resources for testing and separation pending results of anyone who demonstrates symptoms and/or a fever.
23. Establish and post the protocols and resources for medical care, quarantining and evacuation to medical facilities for anyone who tests positive COVID-19 symptoms and/or fever.
24. Guarantee access to teleconferencing visits, court hearings and mail for all young people who remain in custody.

We also urge the State of California to enact similar protocols within California Department of Corrections and Rehabilitation (CDCR) prisons and Division of Juvenile Justice (DJJ) youth prisons.

Our recommendations are not unprecedented. The San Francisco Public Defender's Office has begun filing motions to seek the immediate release of all people being held pre-trial in San Francisco county jails who are at heightened risk of illness from the virus, including people over 60, those with heart or lung disease, diabetes, and immunosuppressed individuals who are

suffering from cancer, HIV, or autoimmune diseases such as rheumatoid arthritis, lupus, or multiple sclerosis. SF Public Defender stated that "People who are incarcerated in jail are already exposed to an unsafe environment. The cramped and unsanitary conditions in jail put the older or immunocompromised population at a much greater risk of contracting and spreading coronavirus." Cuyahoga County in the state of Ohio has released hundreds of people from their county jail due to coronavirus concerns and its potential to sweep through the jail. The County Court held a special Saturday session to settle cases and release people. LA County and counties throughout California – the richest state in the nation - must show as much concern for young people as Cuyahoga did for adults in their jail system with far less resources.

Regarding the impact of the COVID-19 crisis' impact on California courts, Judicial Council's Administrative Director Martin Hoshino has stated, "If there were a time to be flexible and forgiving and to come together, this would be it."

Please respond to this request in writing and/or through a webinar or meeting with our organizations immediately, given the crisis that COVID-19 represents. You can reach us through the Youth Justice Coalition, action@youth4justice.org or by text to (323) 327-1259.

Sincerely,

A Place Called Home
ACLU of Southern California
Affirmative Athletics
All of Us or None - Riverside
Alliance for Boys and Men of Color
American Indian Movement – Southern California
Arts for Incarcerated Youth Network
Bend the Arc: Jewish Action
Black-Brown Clergy & Community Coalition
Black Jewish Justice Alliance
Black Lives Matter - Los Angeles
Black Lives Matter - Long Beach
Break the Cycle
California Coalition for Women Prisoners
Center for Juvenile Law and Policy, Loyola Law School
Charles Drew University of Medicine and Science
CLUE – Clergy & Laity United for Economic Justice
Coalition for Engaged Education
Connecticut Juvenile Justice Alliance
Council on Islamic-American Relations – Los Angeles
Dignity and Power Now
Democratic Socialists of America
Dream Team – Los Angeles
Freedom for Immigrants
Ground Game – Los Angeles
Homeboy Industries
Homies Unidos
Immigrant Legal Resource Center
Innovative Justice Solutions
Justice LA
Koreatown 4 All
LA Voice
Loyola Law School – Center for Juvenile Law & Policy

Liberation Collective
March & Rally – Los Angeles
MEChA de California State University Los Angeles
National Institute for Criminal Justice Reform
National Juvenile Justice Network
National Lawyers Guild – Los Angeles
Pitzer College
Public Counsel
Root & Rebound
Sister Warriors Freedom Coalition
Social Impact Center
S.T.A.Y. Echo Park
Starting Over, Inc.
S.T.O.P. Coalition
Strength United, California State University Northridge
Students for Quality Education
The Row LA – The Church Without Walls
Ten Toes In
Underground Scholars - UCLA
Urban Peace Institute
Young Women's Freedom Center
Youth Advocate Programs
Youth Justice Coalition