

RAISE the AGE | NY

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

April 7, 2020

Dear Governor Andrew Cuomo:

The undersigned organizations are deeply concerned about health risks to young people arrested, prosecuted, and incarcerated in New York State. As New York takes essential measures to reduce contact under your Executive Order, including closing schools and shuttering all non-essential businesses, young people and family members continue to face deadly exposure to COVID-19 in precincts, courts, detention centers, and jails, sometimes even for minor offenses.

While most of the reporting on COVID-19 has focused on the risks to older adults, a [recent CDC report](#) on the first reported US cases found hospitalizations and ICU admissions for adults as young as 20. As of late March, [53% of coronavirus cases statewide were younger adults age 18-49](#). Young people with asthma, diabetes, and weakened immune systems are especially at risk. And when youth are arrested and detained, their parents, grandparents, and other family members are compelled to risk infection themselves to support the young person in court.

The COVID-19 crisis presents painful challenges for New York's youth and families, particularly low-income youth of color who rely on public schools and other programs for not only education and enrichment but meals and other basic necessities. Young people whose lives are already incalculably disrupted are also surely feeling the stress that this virus is placing on their parents and other family members.

We urge you, as part of your commitment to young people in this State and to the public health of all New Yorkers, to work with state and local juvenile and adult criminal justice partners to immediately adopt the recommendations that we outline below to reduce risks to youth and families:

1. [Release as many young people as possible from confinement](#), prioritizing the **immediate release of immunocompromised and medically vulnerable young people**. This release plan must include young adults age 18-25 held in adult facilities

and children under 18 held in juvenile and specialized secure detention. Releasing as many young people as possible is critical for the safety of the youth as well as for staff. While we understand that this cannot be done by executive action alone, we call on you to:

- Convene District Attorneys in each county to identify eligible Adolescent Offenders and young adults age 18-25 to whose release they can consent.
- Release **all** young people serving sentences of under one year and work with criminal justice partners to ensure release of all young people detained for administrative reasons.
- Release any youth detained solely because of a violation of terms of parole or probation. We applaud your [recent announcement](#) that 1,000 people detained on parole violations will be released. It is critical that these releases happen immediately and include all youth.
- Transfer eligible youth held in secure juvenile detention to smaller, less dense non-secure facilities to facilitate social distancing.
- Cease new admissions to juvenile and specialized secure detention for as many young people as possible, and instead fund community-based organizations to provide services and supports to divert children from incarceration.

2. **Stop custodial arrests of youth for all but the most serious charges.** At this point, every custodial arrest puts both young people and police officers at risk of contracting and spreading COVID-19. We can simultaneously protect public safety and public health. To this end, local and county police departments should:
 - Immediately stop enforcement of all low level and “quality of life” offenses, including fare evasion, trespass, and drug offenses.
 - Prioritize warnings whenever possible, and, when necessary, utilize the least disruptive tools, such as summonses.
3. **If a young person is arrested, reduce arrest-to-arraignment time.** Arrest to arraignment times for youth under 18 charged as adults can be extremely long, sometimes surpassing 24 hours. For much of this time, youth are held in police departments in close quarters with officers, staff, and others being detained, placing them at high risk of exposure to COVID-19.
4. **Ensure access to video visitation and remote learning for youth in secure and specialized secure juvenile detention.** While necessary for public health, the suspension of visits is difficult for youth and families. The Office of Children and Families must work with detention providers locally to ensure uninterrupted access to video visits in a space that allows for social distancing consistent with COVID-19 guidelines. These agencies must also ensure that young people have access to the technology necessary to engage in remote learning with their school districts and educational providers.

5. **Ensure proper testing, medical treatment, not solitary confinement for any young person who falls sick.** While social distancing is critical to stop the spread, we cannot allow for young people to suffer the psychological trauma of solitary confinement. Instead, any seriously ill young person must be transferred to an appropriate medical facility, when necessary.

6. **Ensure that implementation of your PAUSE Executive Order (or any other “social distancing” orders) do not lead to young people being targeted for harsh policing responses, stops or searches, harassment, or monitoring.** In some jurisdictions, violations of “social distancing ” orders are punishable by misdemeanors, creating potential for additional arrests and for escalation and police abuse. Young people must be able to safely practice social distancing outdoors, in accordance with the current guidance, without fear of police intervention.

In a crisis of this magnitude, we urge you to do everything in your power to prioritize the health and safety of New York State’s young people.

Sincerely,

Center for Community Alternatives
Children's Defense Fund-New York
Children's Rights
Citizens' Committee for Children of NY
Covenant House
Dignity in Schools Campaign NY
Disability Rights New York
Families Together in New York State
Girl Vow, Inc.
Girls for Gender Equity
Global Action Project
Jails Action Coalition
Justice for Families
JustLeadershipUSA
Legal Aid Society of NYC
Make The Road New York
New Hour for Women & Children LI
Parent Action Committee
Restorative Justice Initiative
Rockaway Youth Task Force
Schuyler Center for Analysis and Advocacy
Suspension Representation Project (SRP)
Teachers Unite

The Bronx Defenders
The Brotherhood/Sister Sol
The Pinkerton Foundation
The Tow Foundation
Urban Youth Alliance (BronxConnect)
Westchester Children's Association
Youth Represent