

SAN FRANCISCO PUBLIC DEFENDER

MANOHAR RAJU – PUBLIC DEFENDER
MATT GONZALEZ – CHIEF ATTORNEY



March 23, 2020

Chief Juvenile Probation Officer Katherine Miller
Juvenile Justice Center
375 Woodside Avenue
San Francisco, CA 94127

Re: Urgent need to release all children currently detained in juvenile hall

Dear Chief Miller,

I am writing to you to share my deep concern that there are still sixteen children being detained in juvenile hall in the midst of this unprecedented public health crisis.

In light of this crisis and the Governor's orders for everyone in California to shelter-in-place with their families, I am asking that you immediately release all remaining children currently detained in juvenile hall. Where possible, these children should be released to their parents or families, or if necessary, to small-scale, non-congregate residential programs.

I am aware that you have recently established heightened hygiene and safety procedures for children and staff at juvenile hall. However, with the pandemic now in the San Francisco community, there is a high possibility that staff will transmit the virus to children in their custody, or that newly detained children will transmit it to staff and other young people.

Last week, for example, my office learned that a child who was recently brought to juvenile hall was exhibiting flu-like symptoms and was quarantined in his room for 3 days. We learned this from a young client who was terrified of being exposed himself. While the young person exhibiting symptoms ultimately tested negative for COVID-19, my office was fielding anxious calls from families begging us to seek the release of their children because of their fear of exposure.

Although older adults are more susceptible to becoming severely ill from COVID-19, according to the Center for Disease Control and various news sources, some children and infants have also become sick, requiring various degrees of medical attention. The American Academy of Pediatrics, in its journal *Pediatrics*, released a study out of China which showed there have been severe cases of COVID-19 in youth of all ages. We also know that young people can transmit it to vulnerable populations without themselves showing any symptoms.

We are not only concerned about the physical health of children detained in juvenile hall, but also their mental health. Stress and mental health effects of the pandemic are particularly acute for young people and children, and for those who are detained or have a loved one who is.

Adult Division - HOJ
555 Seventh Street
San Francisco, CA 94103
P: 415.553.1671
F: 415.553.9810
www.sfpublicdefender.org

Juvenile Division - YGC
375 Woodside Avenue, Rm. 118
San Francisco, CA 94127
P: 415.753.7601
F: 415.566.3030

Juvenile Division - JJC
258A Laguna Honda Blvd.
San Francisco, CA 94116
P: 415.753.8174
F: 415.753.8175

Clean Slate
P: 415.553.9337
www.sfpublicdefender.org/services

Community Justice Center
P: 415.202.2832
F: 415.563.8506

Bayview Magic
P: 415.558.2428
www.bayviewmagic.org

MoMagic
P: 415.567.0400
www.momagic.org

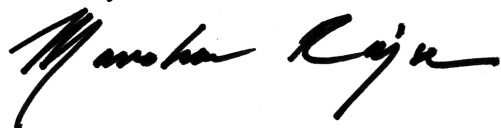
Family separation is always a serious issue. Right now, it is an especially important one and we are increasingly concerned that family separation will have long-lasting and disastrous effects. This is of course most concerning for children.

Government Code section 8658 provides you with broad authority during states of emergency.¹ Therefore, we ask that you take the following steps to proactively protect not only the physical health and safety of some of the most vulnerable San Franciscans, but also their mental and emotional wellbeing, and that of their families. To that end, we ask that you do the following:

- 1) Release all youth from juvenile hall. All children should be returned home or immediately released to non-congregate residential homes.**
- 2) Halt all new admissions to detention to mitigate the harm from the COVID-19 pandemic.**
- 3) Work with police to cite and release any youth to return to court at least a month out, allowing the curve of the pandemic to flatten.**

Thank you for your consideration of these urgent requests.

Sincerely,



Manohar Raju
San Francisco Public Defender

CC:

Mayor London Breed, President of the Board of Supervisors Norman Yee, Supervisor Sandra Lee Fewer, Supervisor Catherine Stefani, Supervisor Aaron Peskin, Supervisor Gordon Mar, Supervisor Dean Preston, Supervisor Matt Haney, Supervisor Raphael Mandelman, Supervisor Hillary Ronen, Supervisor Shamann Walton, Supervisor Ahsha Safai, Dr. Grant Colfax, Dr. Tomás Aragón, DA Chesa Boudin, DCYF Director Maria Su

¹ California Government Code section 8658 states, “In any case in which an emergency endangering the lives of inmates of a state, county, or city penal or correctional institution has occurred or is imminent, the person in charge of the institution may remove the inmates from the institution. He shall, if possible, remove them to a safe and convenient place and there confine them as long as may be necessary to avoid the danger, or, if that is not possible, may release them. Such person shall not be held liable, civilly or criminally, for acts performed pursuant to this section.”