

Release pregnant girls from juvenile halls now

By Jyoti Nanda
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Imagine you're a pregnant teenager, you're incarcerated, and you have no control over your daily life. Now, you wake up inside a juvenile hall in a country with the highest number of COVID-19 cases and you hear the virus has already begun to infiltrate L.A. County juvenile halls. You are scared. Is there any way to keep you and your unborn baby safe?

The Los Angeles County Board of Supervisors has fortunately recognized that these children, the most vulnerable in the largest juvenile probation system in the world, need compassionate support. In 2018, the Board of Supervisors unanimously passed a motion to improve conditions for detained

pregnant girls with support and recommendations based on a report we wrote. Among other things, the Board suggested pregnant girls be kept out of juvenile hall and held in an appropriate social service agency until they gave birth. Progress on this promise, however, has been slow. Now, in a COVID-19 reality, there is a new urgency to act and fulfill the commitments made to these girls and their unborn babies. Failure to act may be a matter of life and death.

COVID-19-related illness and deaths in jails and prisons are rapidly rising across the country, with the first federal prison death in New Orleans and positive cases in California, growing by the hour, per the California Department of Corrections and Rehabilitation. Exacerbating this are the revolving doors of juvenile halls. Pregnant

girls are in constant contact with different adults entering and exiting the halls every day, who may unknowingly expose them to the virus. This includes probation officers, facility staff, health professionals, community organization representatives, delivery personnel, law enforcement and attorneys. And while Los Angeles County Probation has implemented COVID-19 screening protocols for entry into facilities for newly detained youth, this measure is merely a drop in the bucket of what is needed given the unregulated adults cycling in and out of juvenile halls and the high contagion rate.

Even under the best of circumstances, pregnant adolescents younger than 17 face a higher rate of medical complications. The incidence of having a low birth weight infant is double compared to adult

women and the risk of a neonatal death rate (within 28 days of birth) is almost three times higher than for adult women. Moreover, immune systems tend to plummet during pregnancy, making these girls uniquely susceptible to viral and bacterial infections. The Centers for Disease Control and Prevention and the World Health Organization have recognized these vulnerabilities and deemed pregnant women at high-risk of severe illness from COVID-19. With the ever-evolving data revealing the full extent of the risk of the new pathogen on pregnancy, the American College of Obstetricians and Gynecologists has declared

“pregnant women should be considered an at-risk population for COVID-19.”

States have begun to act. Michigan's Gov. Gretchen Whitmer re-

cently signed an Executive Order recognizing the vulnerability of incarcerated pregnant women and authorizing their early release. In Pennsylvania, advocates petitioned the Pennsylvania Supreme Court to invoke its extraordinary relief powers and release medically vulnerable youth, among others, from juvenile facilities.

Two years have passed since the Los Angeles County Board of Supervisors moved towards ending the incarceration of pregnant girls. As of November 2019, the last available count, the Probation Department reported that there were 33 pregnant girls incarcerated in the county. There is no more time to wait. They all must be released to alternative placements outside of carceral facilities. We invite the Los Angeles County Board of Supervisors to collaborate with us to rise

to this challenge. These extraordinary times call for extraordinary measures. ■

Jyoti Nanda is an associate professor at GGU School of Law; she was formerly at UCLA School of Law where she founded and ran the Youth & Justice Clinic. The UCLA Clinic faculty and students wrote a report leading to the Motion described above. She was nominated by the American Bar Association to update the national Juvenile Justice Standards - model legal and policy standards for the country.

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