

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

**ADMINISTRATIVE ORDER RESTRICTING VISITATION AT THE RAMSEY
COUNTY JUVENILE DETENTION CENTER**

The following matter came before the undersigned Chief Judge of the Second Judicial District at the request of Christopher Crutchfield, Deputy Director of Community Relations, Ramsey County Department of Community Corrections ("Corrections"), pertaining to children currently housed at the Ramsey County Juvenile Detention Center.

WHEREAS, On March 13, 2020, the Minnesota Governor Tim Walz declared a peacetime state of emergency due to the worldwide spread of COVID-19, also referred to as the Coronavirus; and

WHEREAS, on March 13, 2020, the President of the United States also declared a nationwide state of emergency due to the spread of COVID-19; and

WHEREAS, as of December 8, 2020, the Centers for Disease Control and Prevention ("CDC") website reports 14,823,129 cases of COVID-19 in the United States and a total of 282,785 deaths, with Minnesota accounting for 356,152 of those confirmed COVID-19 cases and 4,064 of those deaths; and

WHEREAS, the CDC website reports a daily nationwide average of 196,500 new cases of COVID-19 as of December 7, 2020; this being up from a daily nationwide average of 28,063 as of May 1, 2020; and

WHEREAS, the Minnesota daily average for new COVID-19 cases as of December 7, 2020 is 5,341, which is up from the May 1, 2020 daily average of 363 new COVID-19 cases; and

WHEREAS, the CDC has recommended several steps to help slow or prevent the spread of COVID-19, including avoiding close contact with others, staggering work schedules, and limiting large gatherings; and

WHEREAS, The CDC has recommended that correctional facilities consider suspending visitation programs if legally permissible, but only if the facility offers the opportunity to participate in virtual visitation; and

WHEREAS, Corrections has instituted policies and practices in an attempt to curb the

spread of COVID-19, including requiring facemasks and preventing physical contact between parents and residents, but the parents and residents routinely ignore these policies and practices by hugging or engaging in other physical contact during the course of the visit; and

WHEREAS, the behavior described above risks spreading COVID-19 to both the child being visited and all other residents of the facility; and

WHEREAS, the Second Judicial District is taking necessary and reasonable steps to reduce potential exposure of persons to large group settings; and

WHEREAS, pursuant to Minn. Stat. § 484.69, subd. 3, the chief judge of the district has general administrative authority over the courts in the judicial district; and

WHEREAS, the Minnesota Department of Corrections (“DOC”) is prohibiting visitation and volunteer services for all adult facilities in order to limit the spread of this virus; and

WHEREAS, Minn. Admin. Rules § 2960.0050, subp. 1, sets forth the basic rights of residents in DOC-licensed facilities, with subpart 1.J providing for the “right to reasonable communication and visitation with adults outside the facility;” and

WHEREAS, Minn. Admin. Rules § 2960.0080, subp. 15.B, prohibits restrictions on visitation rights between a parent of a resident and resident without a Court Order pursuant to Minn. Stat. § 260C.201, subd. 5, or a limitation in the resident’s case plan, but Minn. Admin. Rules § 2960.0050, subp. 1.H, provides for the “right to live in clean, safe surroundings;” and

WHEREAS, under the Eighth Amendment to the United States Constitution, Corrections must take adequate steps to provide humane conditions of confinement for inmates. *Farmer v. Brennan*, 511 U.S. 825, 832 (1994). This includes the duty to take steps to prevent the spread of communicable diseases. *Helling v. McKinney*, 509 U.S. 25, 33 (1993); *Hutto v. Finney*, 437 U.S. 678, 682 (1978); *DeGidio v. Pung*, 920 F.2d 525, 532-33 (8th Cir. 1990); and

WHEREAS, to the extent that Minnesota Statutes or Administrative Rules conflict with each other or the United States Constitution, the United States Constitution must control; and

WHEREAS, Corrections has developed methods for parents and other authorized individuals to engage in “virtual visitation” via electronic means, using applications such as FaceTime, Skype, or other programs allowing for both visual and audio communication between a parent and a resident; and

WHEREAS, Corrections has made a good faith effort to coordinate with both the American Civil Liberties Union of Minnesota (“ACLU-MN”) and the Public Defender’s Office to formulate an approach that protects both the rights of parents to visit their children at the JDC as well as the interest of the residents to be better protected from the spread of COVID-19; and

WHEREAS, the Public Defender's Office stated that they could not agree with a proposed restriction to visitation, but that they would not object to this "otherwise prudent action;" and

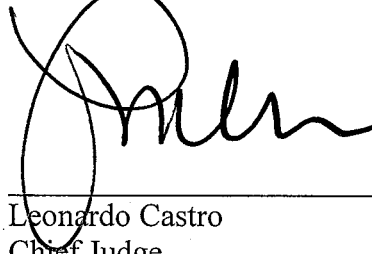
WHEREAS, despite receiving multiple voicemails from Corrections, one of which indicating that Corrections wanted to partner with ACLU-MN to reach an approach that protected the rights of all residents at the JDC, the ACLU-MN has not yet responded to Corrections; and

WHEREAS, based on the close proximity of children in the Juvenile Detention Center and the unknown factors relating to transmission and treatment of COVID-19, this Court finds that the best interests and welfare of the residents of the Ramsey County Juvenile Detention Center warrant a temporary visitation restriction;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Subject to paragraph 2 of this Order, the Ramsey Department of Community Corrections is hereby authorized to restrict visitation to the Ramsey County Juvenile Detention Center between December 29, 2020 and February 28, 2021 or until further order of this court, as determined by the Director of Community Corrections.
2. Visitation between the parent of a resident and a resident of the Juvenile Detention Center shall not be restricted unless the Ramsey County Department of Community Corrections offers the family substitute visitation with the resident in the form of FaceTime, Skype, or other electronic communication that offers both visual and audio communication.
3. This Order remains in force and effect until February 28, 2021 unless extended or rescinded by a further court order.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Leonardo Castro', is written over a horizontal line.

Leonardo Castro
Chief Judge,
Second Judicial District

Dated: December 29, 2020