

Joint Statement from Public Safety Agencies in Virginia

*Office of Governor Ralph S. Northam
Virginia Association of Commonwealth's Attorneys
Virginia Association of Regional Jails
Virginia Department of Corrections
Virginia Indigent Defense Commission
Virginia Sheriffs Association*

March 19, 2020

RICHMOND - Local, regional, and state public safety agencies are working closely together to respond to the COVID-19 pandemic. The Virginia Department of Corrections (VADOC) has suspended all in-person visitation to state correctional facilities and is complying with CDC guidelines related to COVID-19. VADOC has also suspended all transfers from local and regional jails for the next 30 days to limit potential exposure to the virus. We are doing everything we can to ensure the health and safety of our VADOC employees and residents in our state correctional facilities. We also recognize that there are different needs at the local and regional levels.

At this time, jails are determining the best way to address capacity issues within their facilities to maintain the health and safety of their staff and residents. Given the transient nature of the jail population with frequent circulation in and out of facilities, there may be a risk of exposure to the virus.

Existing Virginia law provides tools for criminal justice officials, including judges, Commonwealth's attorneys, defense attorneys, sheriffs and other jail officials to work collaboratively to identify opportunities to prevent spread that are consistent with public safety.

Examples include, but are not limited to:

- Va. Code § 19.2-303 allows sentence modifications that can reduce populations within the jails;
- Diverting offenders from being admitted into jail prior to trial, including the use of summonses by law enforcement in lieu of arrest pursuant to Va. Code § 19.2-74, and use of local pretrial programs as available and with consideration to local capacity;
- Considering ways to reduce low risk offenders that are being held without bail in jails; and
- Utilizing alternative solutions such as home electronic monitoring pursuant to Va. Code § 53.1-131.2.

We commend localities that are actively working to protect the health and safety of their populations. All criminal justice officials are encouraged to address the pandemic collaboratively and avail themselves of all tools and resources at their disposal to ensure the safety and security of those in their facilities and the broader community.