For Immediate Release: April 17, 2020

Contacts: Office of the Governor: Alena Yarmosky, Alena.Yarmosky@governor.virginia.gov

Virginia Dramatically Decreases Jail Population Following Guidance from Governor Northam

Virginia sees 67 percent decline in new commitments for misdemeanors, 17 percent decrease in jail population

RICHMOND—Governor Ralph Northam today announced that Virginia's collaborative efforts to release low-level offenders from local and regional jails in response to the COVID-19 pandemic are working, and the administration's guidelines have been effective in decreasing the jail population.

"We are facing an unprecedented public health emergency, which has required us to work collaboratively to develop unique solutions," **said Governor Northam.** "Criminal justice stakeholders across the Commonwealth are using the tools available to them to decrease our jail population and address this crisis responsibly, humanely, and deliberatively. This is exactly the type of cooperation we need, and I commend our public safety officials and urge them to continue these important efforts."

On March 19, Governor Northam issued guidance to local criminal justice officials, calling for them to consider proactive measures to mitigate the spread of COVID-19 while ensuring public safety. The Northam administration issued a joint statement with local public safety agencies, including the Virginia Sheriffs Association (VSA), the Virginia Association of Commonwealth's Attorneys (VACA), the Virginia Indigent Defense Commission (IDC), and the Virginia Association of Regional Jails (VARJ).

Governor Northam recommended the following:

- Allowing sentence modifications that can reduce populations within the jails, as outlined in § 19.2-303 of the *Code of Virginia*.

- Diverting offenders from being admitted into jails prior to trial, including the use of summonses by law enforcement in lieu of arrest pursuant to § 19.2-74 of the *Code of Virginia*, and use of local pretrial programs as available and with consideration to local capacity.
- Considering ways to decrease the number of low-risk offenders being held without bail in jails.
- Utilizing alternative solutions to incarceration such as home electronic monitoring, pursuant to § 53.1-131.2 of the *Code of Virginia*.

Secretary of Public Safety and Homeland Security Brian Moran sent a letter to the Chief Justice of the Supreme Court of Virginia, Donald Lemons, on March 25 requesting his assistance in encouraging all magistrates and other judicial officers determining bail to consider the health and safety of those that appear before them and the residents and employees in local and regional jails.

Since late February, the number of new commitments to local and regional jails has decreased from approximately 10,000 during a two-week period to just over 4,000. On April 7, the jail population in the Commonwealth was 24,000, which is a 17 percent decrease from March 1. Virginia has also seen a 67 percent decline in the number of new commitments for misdemeanors across the Commonwealth.

"Governor Northam called on local officials to work together to safely reduce our jail population, and this early and aggressive effort is clearly working," **said Secretary Moran**. "Localities are taking these recommendations seriously, and I expect them to continue making decisions with the public safety of their communities in mind."

In addition to working with local partners to address local and regional jails, Governor Northam proposed a budget amendment allowing the Director of the Department of Corrections to release individuals with less than a year left to serve in their sentences for the duration of the state of emergency. The legislature is set to reconvene on April 22 to consider the Governor's amendments to legislation, which includes the budget. If the amendment is adopted, it will be effective immediately.

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