

WV Access to Justice Commission



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Coalition Calls on Governor to Sign Executive Order Reducing Jail Populations Amid Outbreak

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CHARLESTON, W.Va. -- With the daily spread of the COVID-19 coronavirus in West Virginia, public and private entities are taking significant steps to prevent a flood of cases that would overwhelm our health care system.

In this context, public health experts, homelessness advocates, criminal justice leaders, and other concerned individuals call on Gov. Jim Justice to use his executive authority to minimize the harm inflicted on inmates and correctional staff in West Virginia – and, by extension, the harm inflicted on our communities.

An outbreak of the virus in West Virginia's overcrowded jails, prisons, and juvenile detention facilities risks the rapid transmission of the virus and its eventual spread beyond those confines. This could significantly prolong the time needed to bring the virus under control, overwhelm our medical capacity, and prove catastrophic for those who work in or are incarcerated in state correctional facilities, many of whom have not been tried or convicted of a felony or misdemeanor.

To minimize the threat of a massive outbreak, we call on the governor to use his constitutional powers to grant expedited commutations, release certain individuals, and implement alternatives to arrest and incarceration to reduce the overall population in state custodial facilities in a manner consistent with public safety.

Specifically, the coalition urges the governor to:

- Instruct the Division of Corrections and Rehabilitation to identify all inmates in state correctional facilities who currently have 365 or fewer days of incarceration left to serve for the purpose of granting presumptive parole of these individuals, in the absence of evidence that they would pose an immediate and direct threat to public safety.

- Relieve the dangerous threat posed by overcrowded correctional facilities by instructing all relevant agencies to creatively work together to identify or expand recovery homes and transitional housing where released inmates who are homeless or struggling with addiction can go during this pandemic.
- Instruct state and local law enforcement agencies to use their discretion to respond to misdemeanor legal violations through warnings, summonses, and citations.
- Request that the West Virginia Supreme Court issue instructions to magistrates to reduce the number of people held pretrial in regional jails by setting personal recognizance bonds for non-felony offenses and establishing expedited judicial review and release procedures so that no one is incarcerated longer than 72 hours.
- End the process of remitting to prison individuals who have committed technical parole violations in the absence of further criminal acts.

Like all other government agencies, the criminal justice system needs guidance from our Governor on how best to reduce the threat posed to West Virginia by the global pandemic.