

EXHIBIT A

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division

IN RE SENTENCED MISDEMEANANTS:

No. _____

Chief Judge Robert Morin

PROPOSED ORDER TO SHOW CAUSE

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19, the viral disease caused by a newly discovered coronavirus, a global pandemic; and

WHEREAS, on March 13, 2020, acting pursuant to his Constitutional and statutory authority under sections 201 and 301 of the National Emergencies Act (50 U.S.C. § 1601, *et seq.*), the President of the United States declared that the COVID-19 outbreak constitutes a national emergency; and

WHEREAS, on March 11, 2020, the Mayor of the District of Columbia issued Mayor's Order Nos. 2020-045 and 2020-046, which declared a State of Emergency and a Public Health Emergency because "[t]he spread of COVID-19 is an imminent threat to the health, safety, and welfare of District residents that requires emergency protective actions," including the closures of public schools and the cancelling of non-essential mass gatherings; and

WHEREAS, as of March 25, 2020, according to the World Health Organization, there were more than 414,179 confirmed cases of COVID-19 worldwide, with over 18,440 resulting deaths; and

WHEREAS, as of March 25, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were 54,453 confirmed cases of COVID-19 in the United States, with

737 of those cases having resulted in death—over 7 times the number of cases and deaths reported just a week ago; and

WHEREAS, as of March 25, 2020, there were close to 1,000 confirmed cases of COVID-19 in the D.C., Maryland, and Virginia region; and

WHEREAS, as of March 25, 2020, a U.S. Marshal who worked in D.C. Superior Court, a MPD Detective, and a WMATA Transit Authority officer have already tested positive for COVID-19; and

WHEREAS, a 20-year-old man incarcerated at the Correctional Treatment Facility was admitted to the infirmary on March 25, 2020 and tested positive for COVID-19; this individual has been detained since July 2019 and the Department of Corrections has not yet identified how he was exposed to the virus; and

WHEREAS, social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease; and

WHEREAS, public health experts, epidemiologists, and government officials, including officials at the CDC, believe that infections will continue to spread at exponential rates unless aggressive action is taken to minimize person-to-person contacts and to reduce any unnecessary interactions; and

WHEREAS, as of March 15, 2020, the CDC recommends that for the next eight weeks, gatherings of 50 or more people be canceled or postponed throughout the United States; and

WHEREAS, as of March 25, 2020, faced with the escalating number of infections, the Mayor closed all non-essential businesses—including gyms, salons, theaters, auditoriums, tours, retail shops, and professional service businesses—banned gatherings of more than 10 people for at least the next month, and issued a Stay at Home request to all District residents; and

WHEREAS, the Mayor has extended road closures, limited pedestrian and bicycle traffic throughout the city, significantly cut metro operations, and restricted access to the Tidal Basin to prevent further community spread; and

WHEREAS, the members of the National Guard have been deployed to aid the District of Columbia in responding to the impacts of COVID-19; and

WHEREAS, the CDC has advised that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet of one another or through respiratory droplets produced when an infected individual coughs or sneezes; and

WHEREAS, the CDC reports COVID-19 is easily transmitted because individuals can display symptoms 2 to 14 days after being exposed to the virus, meaning that asymptomatic individuals can spread the virus for up to two weeks without knowing it; and

WHEREAS, as a result, the CDC has recommended that individuals practice “social distancing” to prevent community spread of the virus; and

WHEREAS, the CDC has defined social distancing as the practice of “remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible”; and

WHEREAS, social distancing measures are required for a period of as-yet-undetermined duration, and the COVID-19 outbreak will have significant effects on the District of Columbia’s criminal justice systems as long as social distancing measures are in place; and

WHEREAS, the Chief Judge of the D.C. Superior Court has closed all but four courtrooms—which are limited to hearing presentments, juvenile initial hearings, habeas petitions, requests for removal in neglect and abuse cases, and emergency matters—and continued all other hearings and all trials until after May 15, 2020; and

WHEREAS, the risk of infection and transmission in jails is extraordinary¹ because, according to the CDC, “[i]ncarcerated/detained persons live, work, eat, study, and recreate within congregate environments, heightening the potential for COVID-19 to spread once introduced” and there is consistently “high turnover” in the population as new people enter and others are released, such as the individual at CTF that recently tested positive for COVID-19; and

WHEREAS, incarcerated people have limited ability to fight the spread of any infectious disease² because they cannot control the people with whom they have contact, may not be able to utilize all recommended preventive health measures, including social distancing, and have limited access to medical care; and

WHEREAS, although jails can take steps to mitigate risk, they simply cannot eliminate it, which endangers public health at large because an outbreak at the jail could spread quickly to the surrounding community and risks overwhelming healthcare systems that are responding to the crisis with limited space and supplies;³ and

¹ See, e.g., Josiah Bates, *Anticipating COVID-19 Outbreaks, Rikers Island Offers Warning for U.S. Jails, Prisons*, Time, March 24, 2020 (a jail investigator for Rikers Island tested positive for COVID-19 and died less than a week ago, and within five days, 39 inmates and 21 personnel had tested positive and another 58 people were being monitored); Alice Su, Emily Baumbaertner, *They were already in China’s prisons. Now the coronavirus is there, too*, L.A. Times, February 28, 2020, available at <https://www.latimes.com/world-nation/story/2020-02-28/lawyers-activists-pastors-ughurs-families-of-detainees-in-china-fear-coronavirus-spread-outbreak-in-camps-and-prisons> (describing how China, a country with a significantly lower rate of incarceration than the United States, experienced an outbreak of over 500 COVID-19 cases in prisons in the Hubei Province).

² See, e.g., Emma Grey Ellis, *COVID-19 Poses a Heightened Threat in Jails and Prisons*, Wired, March 24, 2020, available at <https://www.wired.com/story/coronavirus-covid-19-jails-prisons/> (noting that incarcerated individuals have higher rates of HIV infection and tuberculosis).

³ See, e.g., German Lopez, *A coronavirus outbreak in jails or prisons could turn into a nightmare*, Vox, March 17, 2020, available at <https://www.vox.com/policy-and-politics/2020/3/17/21181515/coronavirus-covid-19-jails-prisons-mass-incarceration> (discussing the heightened risk of COVID-19 outbreak to a relatively massive population that disproportionately suffers from chronic illnesses and health conditions, the spillover effects to the

WHEREAS, the health and safety of incarcerated people, correctional officers, Department of Corrections employees, U.S. Marshals, attorneys, and others who work in correctional facilities are at significant risk during this pandemic, and downsizing the jail population can help mitigate the risk of spread and allow for social distancing measures to be put into place; and

WHEREAS, under the Code of the District of Columbia, misdemeanors are considered “petty crimes or offenses,” *Fretes-Zarate v. United States*, 40 A.3d 374, 376 (D.C. 2012), that carry a maximum penalty of 180 days of incarceration, *id.* at 378; *see, e.g.*, D.C. Code § 22-3212 (b) (penalty for theft in the second degree), and individuals typically serve misdemeanor sentences at a D.C. Department of Corrections facility; and

WHEREAS, Superior Court judges are authorized under D.C. Code § 16-710 to “impose sentence and suspend the execution thereof; or impose sentence and suspend the execution of a portion thereof” and place an individual on probation “if it appears to the satisfaction of the court that the ends of justice and the best interest of the public and of the defendant would be served thereby”; and under Super. Ct. Cr. R. 35(b)(2) to reduce and modify sentences already imposed; and

IT IS on this _____ day of March, 2020,

ORDERED that the Attorney General for the District of Columbia and U.S. Attorney for the District of Columbia should show cause within 2 calendar days of the issuance of this Order why individual release Orders should not be entered: Releasing any defendant serving a

community, and the strain on healthcare resources and personnel); Nathalie Baptiste, *Correctional Facilities Are the Perfect Incubators for the Coronavirus*, Mother Jones, (March 6, 2020), available at <https://www.motherjones.com/politics/2020/03/correctional-facilities-are-the-perfect-incubators-for-the-coronavirus/>;

Nicole Wetsman, *Prisons and jails are vulnerable to COVID-19 outbreaks*, The Verge, March 7, 2020, available at <https://www.theverge.com/2020/3/7/21167807/coronavirus-prison-jail-health-outbreak-covid-19-flu-soap>.

misdemeanor sentence at the Central Detention Facility or Correctional Treatment Facility. Those individuals with misdemeanor sentences of jail time only shall have their sentences reduced to time served resulting in immediate release. Those individuals serving a split sentence of jail time to be followed by a probationary period shall have the remaining amount of executed time on their jail sentences suspended so that they can immediately be released and commence the probationary period of their sentences.

For the Court,

Chief Judge

EXHIBIT B

Association of Criminal Defense Lawyers of New Jersey, the American Civil Liberties Union of New Jersey, and any other interested party should file, by PDF submission to the Supreme Court Emergent Matter inbox, simultaneous briefs on or before noon on March 23, 2020, addressing the issue of why an Order should not be entered:

- A. Immediately releasing any defendant currently serving a county jail sentence as a condition of probation, such that the custodial portion of the sentence shall either be served at the conclusion of the probationary portion of the sentence or converted into a “time served” condition, at the discretion of the sentencing judge, after input from counsel.
- B. Immediately releasing any defendant serving a county jail sentence as a result of a municipal court conviction, such that the custodial portion of the sentence shall be suspended until the conclusion of the COVID-19 pandemic or deemed satisfied, at the discretion of the sentencing judge, after input from counsel.
- C. Granting such other relief as the court deems equitable and just.

And it is further ORDERED that the Attorney General, County Prosecutors Association, the Office of the Public Defender, and the American Civil Liberties Union of New Jersey show cause on March 24, 2020 at 2:00 p.m.,

why an Order should not be entered in accordance with the terms outlined above. Counsel shall appear virtually, in coordination with the Clerk's Office, and each shall have fifteen minutes to make their oral presentations to the Court.

And it is further ORDERED that the Attorney General, County Prosecutors Association, the Office of the Public Defender, and the American Civil Liberties Union of New Jersey, shall appear for a conference call with the Clerk of the Supreme Court, Heather Joy Baker, at 12:30 p.m. today, March 20, 2020.

And it is further ORDERED that the Attorney General, County Prosecutors Association, the Office of the Public Defender, and the American Civil Liberties Union of New Jersey, represented by their respective principals or a high-level designee, shall engage in mediation before the Honorable Philip S. Carchman, J.A.D. (ret.) beginning at 2 p.m. today, March 20, 2020.

For the Court,

s/

Chief Justice Stuart Rabner

**SUPREME COURT OF NEW JERSEY
DOCKET NO. 084230**

FILED

MAR 22 2020

Heather J. Sale
CLERK

**In the Matter of the Request to
Commute or Suspend County Jail
Sentences**

CRIMINAL ACTION

CONSENT ORDER

This matter having come before the Court on the request for relief by the Office of the Public Defender (see attached letter dated March 19, 2020), seeking the Court's consideration of a proposed Order to Show Cause (see attached) designed to commute or suspend county jail sentences currently being served by county jail inmates either as a condition of probation for an indictable offense or because of a municipal court conviction; and

The Court, on its own motion, having relaxed the Rules of Court to permit the filing of the request for relief directly with the Supreme Court, based on the dangers posed by Coronavirus disease 19 ("COVID-19"), and the statewide impact of the nature of the request in light of the Public Health Emergency and State of Emergency declared by the Governor. *See* Executive Order No. 103 (2020) (Mar. 9, 2020); and

The Office of the Attorney General, the County Prosecutors Association, the Office of the Public Defender, the American Civil Liberties Union of New Jersey having engaged in mediation before the Honorable Philip S. Carchman, P.J.A.D. (ret.); and

The parties having reviewed certifications from healthcare professionals regarding the profound risk posed to people in correctional facilities arising from the spread of COVID-19; and

The parties agreeing that the reduction of county jail populations, under appropriate conditions, is in the public interest to mitigate risks imposed by COVID-19; and

It being agreed to by all parties as evidenced by the attached duly executed consent form;

IT IS HEREBY ORDERED, that

- A. No later than 6:00 a.m. on Tuesday, March 24, 2020, except as provided in paragraph C, any inmate currently serving a county jail sentence (1) as a condition of probation, or (2) as a result of a municipal court conviction, shall be ordered released. The Court's order of release shall include, at a minimum, the name of each inmate to be released, the inmate's State Bureau of Identification (SBI) number, and the county jail where the inmate is being detained, as well as any standard or

specific conditions of release. Jails shall process the release of inmates as efficiently as possible, understanding that neither immediate nor simultaneous release is feasible.

1. For inmates serving a county jail sentence as a condition of probation, the custodial portion of the sentence shall either be served at the conclusion of the probationary portion of the sentence or converted into a “time served” condition, at the discretion of the sentencing judge, after input from counsel.
2. For inmates serving a county jail sentence as a result of a municipal court conviction, the custodial portion of the sentence shall be suspended until further order of this Court upon the rescission of the Public Health Emergency declared Executive Order No. 103, or deemed satisfied, at the discretion of the sentencing judge, after input from counsel.

B. No later than noon on Thursday, March 26, 2020, except as provided in paragraph C, any inmate serving a county jail sentence for any reason other than those described in paragraph A shall be ordered released. These sentences include, but are not limited to (1) a resentencing following a finding of a violation of probation in any Superior Court or municipal court, and (2) a county jail sentence not tethered to a

probationary sentence for a fourth-degree crime, disorderly persons offense, or petty disorderly persons offense in Superior Court. The custodial portion of the sentence shall be suspended until further order of this Court upon the rescission of the Public Health Emergency declared Executive Order No. 103, or deemed satisfied, at the discretion of the sentencing judge, after input from counsel. Jails shall process the release of inmates as efficiently as possible, understanding that neither immediate nor simultaneous release is feasible.

C. Where the County Prosecutor or Attorney General objects to the release of an inmate described in Paragraph A, they shall file a written objection no later than 5:00 p.m. on Monday, March 23, 2020. Where the County Prosecutor or Attorney General objects to the release of an inmate described in Paragraph B, they shall file a written objection no later than 8:00 a.m. on Thursday, March 26, 2020.

1. The objection shall delay the order of release of the inmate and shall explain why the release of the inmate would pose a significant risk to the safety of the inmate or the public.
2. Written objections shall be filed by email to the Supreme Court Emergent Matter inbox with a copy to the Office of the Public Defender.

3. The Office of the Public Defender shall provide provisional representation to all inmates against whom an objection has been lodged under this Paragraph.
4. The Office of the Public Defender shall, no later than 5:00 p.m. on Tuesday, March 24, 2020, provide responses to any objections to release associated with inmates described in Paragraph A, as it deems appropriate. The Office of the Public Defender shall, no later than 5:00 p.m. on Thursday, March 26, 2020, provide responses to any objections to release associated with inmates described in Paragraph B, as it deems appropriate.
5. The Court shall appoint judge(s) or Special Master(s) to address the cases in which an objection to release has been raised.
 - a. On or before Wednesday, March 25, 2020, the judge(s) or Special Master(s) will begin considering disputed cases arising from Paragraph A; on or before Friday, March 27, 2020, the judge(s) or Special Master(s) will consider disputed cases arising from Paragraph B.
 - i. The judge(s) or Special Master(s) shall conduct summary proceedings, which shall be determined on the papers. In the event the judge(s) or Special

Master(s) conduct a hearing of any sort, inmates' presence shall be waived.

- ii. Release shall be presumed, unless the presumption is overcome by a finding by a preponderance of the evidence that the release of the inmate would pose a significant risk to the safety of the inmate or the public.
- iii. At any point, the Prosecutor may withdraw its objection by providing notice to the judge(s) or Special Master(s) with a copy to the Office of the Public Defender. In that case, inmates shall be released subject to the provisions of Paragraphs D-I.
- iv. If the judge(s) or Special Master(s) determine by a preponderance of the evidence that the risk to the safety of the inmate or the public can be effectively managed, the judge(s) or Special Master(s) shall order the inmate's immediate release, subject to the provisions of paragraphs D-I.

1. The Order of the judge(s) or Special Master(s) may be appealed on an emergent basis, in a summary manner to the Appellate Division.
 2. Should a release Order be appealed, the release Order shall be stayed pending expedited review by the Appellate Division.
 3. The record on appeal shall consist of the objection and response filed pursuant to this Paragraph.
- v. If the judge(s) or Special Master(s) determine by a preponderance of the evidence that risks to the safety of the inmate or the public cannot be effectively managed, the judge(s) or Special Master(s) shall order the inmate to serve the balance of the original sentence.
1. The Order of the judge(s) or Special Master(s) may be appealed on an emergent basis, in a summary manner to the Appellate Division.

2. Should an Order requiring an inmate to serve the balance of his sentence be appealed, the Appellate Division shall conduct expedited review.

3. The record on appeal shall consist of the objection and response filed pursuant to this Paragraph.

b. The judge(s) or Special Master(s) should endeavor to address all objections no later than Friday, March 27, 2020.

D. Any warrants associated with an inmate subject to release under this order, other than those associated with first-degree or second-degree crimes, shall be suspended. Warrants suspended under this Order shall remain suspended until ten days after the rescission of the Public Health Emergency associated with COVID-19. *See* Executive Order No. 103 (2020) (Mar. 9, 2020).

E. In the following circumstances, the county jail shall not release an inmate subject to release pursuant to Paragraphs A, B, or C(5)(a)(iii) or (iv), absent additional instructions from the judge(s) or Special Master(s):

1. For any inmate who has tested positive for COVID-19 or has been identified by the county jail as presumptively positive for COVID-19, the county jail shall immediately notify the parties and the County Health Department of the inmate's medical condition, and shall not release the inmate without further instructions from the judge(s) or Special Master(s). In such cases, the parties shall immediately confer with the judge(s) or Special Master(s) to determine a plan for isolating the inmate and ensuring the inmate's medical treatment and/or mandatory self-quarantine.
2. For any inmate who notifies the county jail that he or she does not wish, based on safety, health, or housing concerns, to be released from detention pursuant to this Consent Order, the county jail shall immediately notify the parties of the inmate's wishes, and shall not release the inmate without further instructions from the judge(s) or Special Master(s). In such cases, the parties shall immediately confer with the judge(s) or Special Master(s) to determine whether to release the inmate over the inmate's objection.

F. Where an inmate is released pursuant to Paragraphs A, B, or C(5)(a)(iii) or (iv), conditions, other than in-person reporting, originally imposed by the trial court shall remain in full force and effect. County jails shall inform all inmates, prior to their release, of their continuing obligation to abide by conditions of probation designed to promote public safety.

Specifically:

1. No-contact orders shall remain in force.
2. Driver's license suspensions remain in force.
3. Obligations to report to probation officers in-person shall be converted to telephone or video reporting until further order of this Court.
4. All inmates being released from county jails shall comply with any Federal, State, and local laws, directives, orders, rules, and regulations regarding conduct during the declared emergency. Among other obligations, inmates being released from county jails shall comply with Executive Order No. 107 (2020) (Mar. 21, 2020), which limits travel from people's homes and mandates "social distancing," as well as any additional Executive Orders issued by the Governor during the Public Health Emergency associated with COVID-19.

5. All inmates being released from county jails are encouraged to self-quarantine for a period of fourteen (14) days.
 6. Unless otherwise ordered by the judge(s) or Special Master(s), any inmate being released from a county jail who appears to be symptomatic for COVID-19 is ordered to self-quarantine for a period of fourteen (14) days and follow all applicable New Jersey Department of Health protocols for testing, treatment, and quarantine or isolation.
- G. County Prosecutors and other law enforcement agencies shall, to the extent practicable, provide notice to victims of the accelerated release of inmates.
1. In cases involving domestic violence, notification shall be made. N.J.S.A. 2C:25-26.1. Law enforcement shall contact the victim using the information provided on the “Victim Notification Form.” Attorney General Law Enforcement Directive No. 2005-5.
 - a. Where the information provided on the “Victim Notification Form” does not allow for victim contact, the Prosecutor shall notify the Attorney General.

b. If the Attorney General, or his designee, is convinced that law enforcement has exhausted all reasonable efforts to contact the victim, he may relax the obligations under N.J.S.A. 2C:25-26.1.

2. In other cases with a known victim, law enforcement shall make all reasonable efforts to notify victims of the inmate's accelerated release.

3. To the extent permitted by law, the Attorney General agrees to relax limitations on benefits under the Violent Crimes Compensation Act (N.J.S.A. 52:4B-1, *et seq.*) to better provide victims who encounter the need for safety, health, financial, mental health or legal assistance from the State Victims of Crime Compensation Office.

H. The Office of the Public Defender agrees to provide the jails information to be distributed to each inmate prior to release that includes:

1. Information about the social distancing practices and stay-at-home guidelines set forth by Executive Order No. 107, as well as other sanitary and hygiene practices that limit the spread of COVID-19;

2. Information about the terms and conditions of release pursuant to this consent Order;
 3. Guidance about how to contact the Office of the Public Defender with any questions about how to obtain services from social service organizations, including mental health and drug treatment services or any other questions pertinent to release under this consent Order.
- I. Any inmate released pursuant to this Order shall receive a copy of this Order, as well as a copy of any other Order that orders their release from county jail, prior to their release.
 - J. Relief pursuant to this Order is limited to the temporary suspension of custodial jail sentences; any further relief requires an application to the sentencing court.

EXHIBIT C

Report of Jurisdictions That Have Acted to Downsize Their Incarcerated Populations

CALIFORNIA

- **Alameda County**
 - “Alameda County plans to release nearly 250 inmates from its county jail after sentencing modifications. Additionally, 67 people were released by courts on their own recognizance.”
 - Jimmy Jenkins, *npr*, “Prisons and Jails Change Policies to Address Coronavirus Threat Behind Bars,” (March 23, 2020), available at <https://www.npr.org/2020/03/23/818581064/prisons-and-jails-change-policies-to-address-coronavirus-threat-behind-bars>

- **Los Angeles, California**
 - “Approximately 1,700 inmates have been released from Los Angeles County jails in response to the coronavirus outbreak,” reducing the inmate population by 10%
 - Because a significant percentage of detained inmates are homeless, the city is in the process of opening up new shelter places so that individuals have somewhere to go to.
 - Justin Carissimo, *CBS*, “1,700 inmates released from Los Angeles County in response to coronavirus outbreak,” (March 24, 2020), available at <https://www.cbsnews.com/news/inmates-released-los-angeles-county-coronavirus-response-2020-03-24/>.

- **Sacramento, California**
 - <https://www.sacbee.com/news/local/crime/article241464511.html>
 - As of March 24, 2020, Sacramento has released 120 inmates in response to the coronavirus threat.
 - Sam Stanton, *Sacramento Bee*, “Coronavirus leads to some California inmates going free; more state prison workers infected,” (March 24, 2020), available at <https://www.sacbee.com/news/local/crime/article241464511.html>.

- **San Francisco**
 - Identifying those with fewer than 60 days remaining in their sentence for potential release
 - Medical professionals at the jail identified a list of people with risk factors that should be released and their names were presented to the district attorney, public defender, sheriff, and courts to determine if they could be released
 - San Francisco Public Defender Press Release (March 23, 2020), available at <http://sfpublicdefender.org/news/2020/03/covid-19-san-francisco-public-defenders-office-responds/>
 - Michael Barba, *San Francisco Examiner*, “SF moves to release inmates fearing coronavirus outbreak behind bars,” (March 19, 2020), available at <https://www.sfexaminer.com/news/sf-moves-to-release-inmates-fearing-coronavirus-outbreak-behind-bars/>.

- **Santa Clara** - The goal is to reduce the jail population by at least 20% by:
 - o Releasing medically fragile inmates
 - o Releasing people that pretrial services had previously recommended for release
 - o Releasing people that have less than 90 days left on their sentence; their sentences will be commuted if they do well while in the community for the next four months
 - o The District Attorney has indicated that people that committed property crimes should be released
 - o Pushing back the start date of any new sentences
 - o Aviva Shen, *Slate*, “How to Prevent a Coronavirus Catastrophe in Jails,” (March 21, 2020), available at <https://slate.com/news-and-politics/2020/03/coronavirus-jail-santa-clara-let-people-out.html>.

COLORADO

- **Jefferson County**
 - o “The inmates who have served at least 50 percent of their sentences and met all other early release program requirements will be released, officials said.”
 - o Amber Fisher, *Patch*, “Jeffco Sheriff Announces Release of Prisoners Due to Coronavirus,” (March 19, 2020), available at <https://patch.com/colorado/arvada/jeffco-sheriff-announces-release-prisoners-due-coronavirus>.

FLORIDA

- **Lake County (Orlando, Florida)**
 - o 44 inmates who were arrested on misdemeanor charges have been released
 - o “Coronavirus: Lake County releases inmates to decrease jail population,” (March 19, 2020), available at <https://www.clickorlando.com/news/local/2020/03/19/coronavirus-lake-county-releases-inmates-to-decrease-jail-population/>.
- **Hillsborough County (Tampa, Florida)**
 - o 164 inmates being released
 - o “Hillsborough County to free non-violent inmates in effort to prevent COVID-19 spread,” (March 19, 2020), available at <https://www.clickorlando.com/news/local/2020/03/19/hillsborough-county-to-free-non-violent-inmates-in-effort-to-prevent-covid-19-spread/>.

IOWA

- **Statewide**
 - o At least dozens have been released
 - o Tyler J. Davis, *Des Moines Register*, “‘Prisons and jails are literally petri dishes’: Inmates released, arrests relaxed across Iowa amid fears of coronavirus,” (March 23, 2020), available at <https://www.desmoinesregister.com/story/news/crime-and->

[courts/2020/03/23/coronavirus-iowa-jail-prison-inmates-released-amid-fears-covid-19-virus-polk-county-des-moines/2891117001/](https://www.courts/2020/03/23/coronavirus-iowa-jail-prison-inmates-released-amid-fears-covid-19-virus-polk-county-des-moines/2891117001/).

KENTUCKY

- Statewide

- Chief Justice Minton urged that pre-trial defendants who can wait at home should be released, especially people who cannot afford to pay bond
- Commonwealth's attorney said that with a "few exceptions, anybody nonviolent who didn't offend a child stands a very good chance of being released"
- As of March 18, 2020, more than 100 inmates were expected to be released in Louisville. To qualify for release, an inmate must not be charged with a Class A or Class B felony, must be a low or moderate risk to reoffend, and must be classified as a low or moderate risk to not reappear.
- John Cheves, *Lexington Herald Leader*, "Chief Justice pleads for Kentucky inmate releases ahead of COVID-19, but progress slow," (March 23, 2020), available at <https://www.kentucky.com/news/coronavirus/article241428266.html>.
- Katrina Helmer, WDRB, "metro Corrections releasing non-violent inmates to prevent coronavirus spread," (March 18, 2020), available at https://www.wdrb.com/news/metro-corrections-releasing-non-violent-inmates-to-prevent-coronavirus-spread/article_0fbed080-6968-11ea-ada1-f73b721440b2.html.

MASSACHUSETTS

- Middlesex County

- 40 pretrial detainees have been released upon agreement between the District Attorney, defense attorneys, and Sheriff
- Deborah Becker, "Some Mass. Prisoners Are Being Released In Response To The Coronavirus Outbreak," (March 25, 2020), available at <https://www.wbur.org/news/2020/03/25/massachusetts-prisoners-covid-19-coronavirus>.

NEW JERSEY

- Statewide (by Order from Chief Justice of Supreme Court)

- Up to 1,000 individuals can be released under these guidelines
- Commute/suspend county jail sentences currently being served by county jail inmates as a condition of probation
- Commute/suspend county jail sentences currently being served by county jail inmates due to municipal court convictions or low-level petty offense convictions
- Consent Order, *In the Matter of Request to Commute or Suspend County Jail Sentences*, Docket No. 084230 (March 22, 2020), available at <https://www.njcourts.gov/notices/2020/n200323a.pdf>.
- Tracey Tully, *New York Times*, "1,000 Inmates Will Be Released From N.J. Jails to Curb Coronavirus Risk," (March 23, 2020), available at

<https://www.nytimes.com/2020/03/23/nyregion/coronavirus-nj-inmates-release.html>.

NEW YORK

- **New York City (by order of the Governor)**
 - o New York City is planning to release more than 1,000 inmates
 - o With COVID-19 quickly spreading in Rikers Island, 300 inmates will be released from Rikers Island, including individuals that have “light” sentences of less than a year and were found guilty of misdemeanors, individuals that are over 70 years old or have health conditions
 - o Governor de Blasio is also working to release 800 inmates who are jailed on technical parole violations
 - o Noah Higgins-Dunn, *CNBC*, “Coronavirus: New York City to release 300 nonviolent inmates from Rikers Island,” (March 24, 2020), available at <https://www.cNBC.com/2020/03/24/coronavirus-new-york-city-to-release-300-nonviolent-inmates-from-rikers-island.html>.
 - o “NYC to release more than 1,000 prison inmates due to coronavirus concerns,” (March 25, 2020), available at <https://www.syracuse.com/coronavirus/2020/03/nyc-to-release-more-than-1000-prison-inmates-due-to-coronavirus-concerns.html>.

OHIO

- **Cuyahoga County (includes Cleveland)**
 - o 38 people already released (as of March 14, 2020) – some were sent home on bond, sentenced to probation or community service or time served
 - o “[A] local judge said he hoped to soon release as many as 300 people from the jail, aiming to free up more space for quarantines at the facility”
 - o Releasing people for nonviolent drug charges and poverty-related crimes
 - o Settle cases with pending plea deals
 - o Jail Medical Director compiled a list of those most at risk
 - o Sent people home on bond, others sentenced to probation/community service/time served in mass emergency hearings (including charges for nonviolent drug charges, poverty-related crimes)
 - o Samantha Michaels, *Mother Jones*, “Ohio Judges Are Releasing People From Jails to Fight Coronavirus. It’s a Good Idea,” (March 16, 2020), available at <https://www.motherjones.com/coronavirus-updates/2020/03/ohio-judges-are-releasing-people-from-jails-to-fight-coronavirus-its-a-good-idea/>.
- **Montgomery County (includes Dayton)**
 - o “A little over 300 inmates have been released from the Montgomery County Jail since March 16”
 - o “Coronavirus: Over 300 inmates released from Montgomery County Jail,” (March 25, 2020), available at <https://www.whio.com/news/breaking-news/coronavirus-over-300-inmates-released-from-montgomery-county-jail/Xnzs47spPoDAnfbydNNPGJ/>.

OKLAHOMA

- Oklahoma County
 - o 200 non-violent, low-level offenders were released from Oklahoma County jail
 - o Kayla Branch, *The Oklahoman*, “Coronavirus in Oklahoma: Over 200 nonviolent offenders released from Oklahoma County jail to limit COVID-19 spread,” (March 25, 2020), available at <https://oklahoman.com/article/5658504/coronavirus-in-oklahoma-over-200-non-violent-offenders-released-from-oklahoma-county-jail-to-limit-covid-19-spread>.

TENNESSEE

- Davidson County (includes Nashville)
 - o DA and Public Defender agreed on 80 people that could be released early, based on a list of particularly vulnerable individuals
 - o Steven Hale, *Nashville Scene*, “25 People Released From Davidson County Jail in Anti-Outbreak Effort,” (March 23, 2020), available at <https://www.nashvillescene.com/news/pith-in-the-wind/article/21123961/25-people-released-from-davidson-county-jail-in-antioutbreak-effort>.

WASHINGTON

- King County (includes Seattle)
 - o Public Health recommends one inmate per cell to allow social distancing and the goal is reduce the population by 600 inmates
 - o Sentenced misdemeanants will serve their sentence after the COVID-19 outbreak
 - o Inmates on work program will return home
 - o 180 inmates will be returned to state corrections
 - o Prosecutor and Public Defender are working to stop bookings of lesser offenses
 - o Jail staffer has tested positive for COVID-19
 - o Kara Kostanich, *KOMO News*, “King County preparing to release hundreds of inmates to limit spread of COVID-19,” (March 24, 2020), available at <https://komonews.com/news/coronavirus/king-county-preparing-to-release-hundreds-of-inmates-to-limit-spread-of-covid-19>.

UTAH

- **Statewide**
 - o Chief Justice of Utah Supreme Court issued an order cancelling all jury trials and asking Utah judges to reassess all defendants held on class B or C misdemeanors to determine if they could be released
 - o As of March 25, 2020, plans are in place to release 200 inmates in Salt Lake County, 60 people have been released from Uintah County jail, and 25 people from Duchesne County facility.

- Jessica Miller, *Salt Lake Tribune*, “More jails in Utah are releasing inmates in response to coronavirus -- but not the state prison,” (March 25, 2020), available at <https://www.sltrib.com/news/2020/03/25/more-jails-utah-are/>.

VIRGINIA

- Statewide

- Various regional jails have been releasing people who have 90 days or less left on their sentences
- Kerri O’Brien, “Area jails releasing inmates to prevent COVID-19 outbreak behind bars,” (March 23, 2020), available at <https://www.wric.com/news/virginia-news/area-jails-releasing-inmates-to-prevent-covid-19-outbreak-behind-bars/>.