



Actions to Prevent the Spread of COVID-19 in the Criminal-Legal System: Sheriff Recommendations & Resources

At this crisis point, decarcerating jails is a legal, moral, and humanitarian imperative. We recommend that all sheriffs immediately take the following action and see [this list](#) of other actions that sheriffs have taken.

Working with the courts as necessary, end jail admissions to the maximum extent possible.

- Use [cite-and-release](#) for all individuals who are eligible for cite-and-release.
- Stop all new arrests and detentions, except where law enforcement can justify in writing that the government interest in arrest and detention outweighs the *extreme mortality and infection risk of spreading COVID-19 within correctional facilities*. Designate many offenses, including any offenses related to nonpayment, as *categorically ineligible for arrest and detention*.
- End the enforcement of warrants that are for unpaid fines or fees; failures to appear; and driving on a suspended license where the underlying reason for suspension was nonpayment.

Working with the courts as necessary, decarcerate the local jail(s).

- Using [existing authority](#) to reduce the jail population during crises, institute a release protocol for all people who are detained pretrial and post-conviction. Ensure that such protocol includes (1) immediate, categorical release for *as many people as possible* and (2) a swift, public health-conscious process that facilitates the release of individuals who are *not* within these broad categories.
- When developing the broad categories for immediate release, ensure that these categories include *at minimum* the following:
 - The elderly and medically vulnerable, including individuals who are pregnant or who have asthma, chronic illness, diabetes, lung disease, heart disease, or any condition that suppresses the immune system;
 - All individuals being held pretrial;
 - All people serving misdemeanors and a set list of felony offenses, which list includes the vast majority of felonies;
 - All individuals within six months of their release date;
 - All primary caregivers;
 - All people held on a probation or parole-related detainer; and
 - All individuals being held for other agencies, including ICE.
- If custodial detention is nonetheless maintained, provide a written explanation regarding why the government interest in custodial detention outweighs the *extreme mortality and infection risk of spreading COVID-19 within correctional facilities*.

EXAMPLES (see [this list](#) for additional models):

- *Cincinnati, Ohio: The Hamilton County Jail population is [down 40%](#) after a court order authorized Sheriff Jim Neil to release, at his discretion, all “low-risk, nonviolent” individuals.*
- *Santa Clara, California: In Santa Clara County, California, the offices of the public defender, district attorney, and sheriff are working together to [release at least 600 people](#) (or 20% of the jail’s current population). Silicon Valley De-Bug is simultaneously working to expand community supports.*