

PRISONER RELEASE DURING COVID-19

VDOC's Expanded Early Release Authority

On April 22, 2020, in response to the COVID-19 crisis in Virginia, the General Assembly passed Budget Amendment 391 in a special session. The amendment gives the Virginia Department of Corrections the authority to release certain people incarcerated in prisons with less than one year remaining in their sentences.

Who is eligible for release?

- The new law applies to people incarcerated in **state prisons** (the law does not apply to local or regional jails, federal prisons, or juvenile detention centers) who:
 - have **less than one year** remaining on their sentences (under a calculation taking into account their “good time awards”), and
 - have **not** been convicted of a Class 1 felony (VA Code § 18.2-31) or a sexually violent offense (VA Code § 37.2-900).
- DOC's [plan](#) for deciding who to release has additional requirements. In addition to those above, DOC will only consider for release people who:
 - have a viable **home plan**;
 - have a **good time earning level** of I or II,
 - **do not** have an active detainer, and
 - have a **medium or low risk** of recidivism according to DOC's scoring system.

How does DOC decide who to release?

- DOC will consider people for early release starting with people convicted of the least serious offenses. In order, DOC will consider people with the following offenses:
 - Non-violent Offense
 - Felony Weapons Offenses
 - Involuntary Manslaughter
 - Voluntary Manslaughter
 - Robbery
 - Felony Assault
 - Abduction
 - Murder
 - Sex Offense
- DOC will also consider an eligible person's medical condition when assessing release.
- James Parks, the Director of Offender Management Services, is responsible for coordinating the review process.

What can you do to help?

If your loved one is eligible for release under this new law, you can make a difference for them by:

- helping them put together a viable home plan. Home plans are investigated and approved through Probation & Parole.
- advocating to DOC on their behalf. You can reach out to DOC with your questions about early release by calling their information line at (804) 887-8484, or via email at COVID19Inquiries@vadoc.virginia.gov. **Important: if your loved one is denied release through this program, there is an appeal process.** The incarcerated person should ask for and fill out the form “Offender Appeal for COVID-19 Early Release.”
- keeping them informed. You can watch LAJC’s Facebook page, the Facebook pages of other advocacy groups like the Virginia Prison Justice Network, and the VDOC website’s update page for more information on prisoner release efforts across Virginia.

If your loved one is not eligible for release under this new law, you can still take action to help them and other vulnerable people be released during this crisis:

- For people in local and regional jails:
 - Contact your Commonwealth’s Attorney, Sheriff or Regional Jail Superintendent, who have tools like:
 - Sentence modifications (to allow early release)
 - Home Electronic Monitoring
 - Allowing pretrial release because of the pandemic
- For people who are elderly or sick in prisons, but not eligible for release under the new law:
 - Contact the Governor and ask him to use his pardon powers to release those people. The Governor has this power, and he doesn’t need the legislature’s approval to use it.
- For everyone:
 - Practice social distancing and keep yourself safe so you can be there for your loved one!

Share your story!

- If you have an incarcerated loved one, you can share their story and see the stories of other affected people at this link: <https://www.justice4all.org/voices-of-the-incarcerated/>.