

 LEGAL AID
JUSTICE CENTER

April 3, 2020

Via email

Stephen N. Holmes, Chief
Virginia Department of Corrections
Richmond District 1 Probation and Parole Office
6866 Everglades Drive
Richmond, VA 23225
STEPHEN.HOLMES@VADOC.VIRGINIA.GOV

Re: Request for suspension of in-person reporting in light of COVID-19

Dear Chief Holmes:

As the first positive tests of COVID-19 have already been announced within the Commonwealth of Virginia's probation and parole offices, we write to you to express our concerns for the health and safety of not only the people on probation and parole but also the local parole and probation officers, and the wider community. From offices in Richmond, Charlottesville, and Falls Church, Legal Aid Justice Center represents clients who live with the trauma of poverty caused by lack of access to housing, food insecurity, chronic illness, unemployment/under-employment, and living with untreated mental illness, among many other systemic injustices. As a result, our clients are more likely to have contact with the criminal legal system, including being under community supervision. It has been brought to our attention that the Richmond (District 1) Parole and Probation office is still requiring those under community supervision to report in person for general check-ins.

We are hearing reports that on a recent day with inclement weather, individuals were made to report in person to the Richmond District Office but instructed to wait outside of the office in the rain and to social distance themselves while being called in one at a time. Once called in, people were told to sign a form indicating that they had reported and then leave; there was no interaction or conversation with the staffing officer who was herself adhering to social distancing requirements. If true, it seems the Richmond District Office is exposing those on probation and parole, community supervision staff - and every member of the general public either group comes into contact with on their way to and from the District office - to the known risks of COVID-19, including death, for what amounts to little more than a perfunctory check-in.

Given that COVID-19 is highly communicable and there are no known cures or vaccines, the CDC currently recommends staying home and avoiding all non-essential contact with others as the most effective way of reducing the transmission of the virus. Guidance from a coalition of community corrections professionals- including Beth Skinner, Director of the Iowa Department of Corrections; David Johnson, Director of the Colorado Department of Corrections Division of Adult Parole; the American Probation and Parole Association; and the National Association of

Probation Executives- indicates that **the best practice for reducing transmission of COVID-19 in community supervision is to forgo reporting altogether for those who pose lower risk and/or have people under supervision report via telephone, online or by postcards.**¹ This guidance has already begun to be implemented throughout the nation. For example, an NYU survey indicated that half of the departments that responded had suspended in-office reporting entirely and half had suspended the field contacts entirely; the remaining departments conducting in-office visits had severely curtailed the number of individuals who are required to report.² Eliminating the need to travel of people on probation and parole, and the men and women who staff local district offices, protects every single person in the Commonwealth.

With over 2,000 COVID-19 cases in Virginia and counting, including the largest overnight increase in cases as of April 3, 2020³, it is only a matter of time before the spread of coronavirus begins to seriously impact the health and safety of all in the community supervision system. **We ask that you suspend in-person reporting of those on community supervision until further notice.** We understand the Department of Corrections has the current capability to supervise people via several other non-in-person methods.⁴ The time is now for decisive action to protect our collective health in light of the COVID-19 pandemic.

Sincerely,

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Kim Rolla

Interim Legal Director, Civil Rights and Racial Justice Program

cc: A. David Robinson, Chief of Corrections Operations (via email to DAVID.ROBINSON@VADOC.VIRGINIA.GOV)

¹ <https://www.exitprobationparole.org/covid19statement>

² <https://www.themarshallproject.org/2020/04/03/probation-and-parole-officers-are-rethinking-their-rules-as-coronavirus-spreads>

³ <https://www.nbc12.com/2020/04/03/virginia-reports-largest-overnight-increase-coronavirus-cases-heres-breakdown-numbers/>

⁴ <https://www.dailypress.com/government/virginia/dp-nw-probation-monitoring-20200123-ukwddbp5wrd5nnr2dkq4a4ecz-m-story.html>