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**FOR IMMEDIATE RELEASE**

## **Advocates Say Urgent Action Needed to Stop COVID-19 Outbreak in Jails**

Charleston, WV – With a full blown outbreak of COVID-19 looming in the state's regional jails, advocates reiterate the call to magistrates, circuit court judges, and prosecutors to use the full force of the new bail law to slow the spread of the virus and protect people's health and safety.

According to the most recent data reported by the [Department of Health and Human Resources](#) there are 30 people incarcerated at South Central Regional Jail and 1 person at Southern Regional Jail who have tested positive for COVID-19, with 478 results pending.

[House Bill 2419](#), passed by the state legislature during the 2020 regular session, intends to reduce the number of people incarcerated pretrial for low-level misdemeanor and felony charges by requiring a magistrate to hold a hearing within 72 hours if a defendant cannot afford the bail amount or post bond.

However, since the law went into effect in June, the number of people who are incarcerated in regional jails because they cannot afford bail, has not seen any significant reduction.

As a result, nine out of 10 of the state's regional jail facilities are as overcrowded as they were in early March, prior to the state's efforts to slow the spread of the virus. DCR spokesman Lawrence Messina has pointed out that around [57 percent of the state's jail population](#) are pre-trial defendants who have not yet been convicted of any crime.

The bill provides a presumption of release for a person charged with a non-violent misdemeanor or felony offense unless good cause is shown that the person should not be released, or when the person is charged with a more serious offense as outlined in the legislation, for example crimes involving a child or a deadly weapon.

As evidenced by the outbreak at South Central and a couple months ago in Huttonsville Correctional Facility, the social distancing necessary to reduce COVID-19 spread in correctional facilities is impossible.

"As West Virginians, we look out for one another," says Lida Shepherd with American Friends Service Committee, "and a COVID-19 outbreak anywhere undermines our state's ability to reduce community spread. A person should not be put at greater risk of

exposure to the virus because they are too poor to afford bail. From both a public health and moral perspective, we implore our state's judges and prosecutors to use every alternative to incarceration."

Greg Whittington with ACLU-WV points out, "A virus cannot be contained by a jail's walls, and adhering to social distancing protocols in these overcrowded settings is impossible. These facilities continue to pose significant risk not only to the people who live and work in them, but also to the surrounding communities. Court officials need to use the leverage they have to greatly reduce our jail populations and keep us all safe."

Coalition members include: American Friends Service Committee, Americans for Prosperity-WV, Jefferson County NAACP, WV Center on Budget and Policy, American Civil Liberties Union-WV, and Appalachian Prison Book Project

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