

COVID-19

EMERGENCY RESPONSE: PROSECUTORS

Prosecutors should take the following actions to end the spread of COVID-19 within their communities while there is a pandemic:

- Change case intake practices to account for COVID-19 risk, including practices meant to reduce spreading of COVID-19, including:
 - Decline criminal charges whenever possible and divert to public health, community, and civil court solutions with return date 6 months out.
 - For charges not declined, reduce as many as possible to citations or non-warrant, non-arrest charges, and make return date 6 months out.
- Agree to the release of people from custody without bail or in-person check in with pretrial services.
- Refuse to ask the court to issue “failure to appear” warrants or, “bench warrants” and agree to jointly waive the appearance of people who are out-of-custody.
- Work with defense attorneys and courts to ensure that people in custody receive a constitutionally-mandated speedy trial.
- Default to noncustodial sentences wherever possible, including resolutions that avoid immigration detention where outbreak potential is highest.
- Direct any failures to comply with local quarantine orders to the civil court system, not the criminal court system.
- Provide a public health/COVID-19-informed justification for any actions/requests that would bring folks into courthouses, jails, and prisons. Ensure those justifications are on the record for public scrutiny.
- Extend paid sick leave to all employees, including those with temporary/part-time employment status.

**PREPARED BY THE JUSTICE COLLABORATIVE. FOR MORE INFORMATION:
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