

Commonwealth of Virginia

COUNTY OF FAIRFAX

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COMMONWEALTH'S ATTORNEY DESCANO OFFICIAL STATEMENT

Update on Processes in Wake of COVID-19

FAIRFAX COUNTY, VA – Fairfax County Commonwealth's Attorney Steve Descano released the following statement regarding his office's response to the COVID-19 outbreak.

"Since the onset of the COVID-19 outbreak my office has worked tirelessly to establish and maintain a process that protects the health and well-being of everyone involved in our criminal justice system—that includes victims, defendants, attorneys, Judges, officers, and anyone else that comes into our courthouse and/or interacts with our process," said Steve Descano.

Mr. Descano's process involves a number of proactive steps that work across our criminal justice system. This includes, but is not limited to:

- Proactively reaching out to defense attorneys to seek continuances.
- Establishing a pared down in-office crew to operate court proceedings while enabling most prosecutors to work remotely.
- Implementing new office procedural guidance on bond motions.
- Implementing new office procedural guidance on case-by-case bond reviews.
- Implementing a new office process to review sentences of local jail population and seek modifications where appropriate pursuant to Virginia Code §19.2-303.
- Opening direct communication with Magistrates on special, emerging bond issues.
- Working with local police to limit custodial arrests where appropriate.
- Maintaining direct communication with Fairfax County Judges to broker a proper understanding to limit individuals within the courthouse and develop agreements across all matters.

"I've implemented a process, operating with essential personnel and seeking justice for all while thoughtfully adhering to our community's values. However, the best laid plan is wasted if not properly executed. Therefore, I've been in constant communication with Judges, the Public Defender's Office, private defense attorneys, Police Department leadership, and Magistrates around the clock since the COVID-19 outbreak began," said Descano.

Mr. Descano has led the way in seeking consensus from all corners of our immense and complex system. As a result of countless conversations about the state of our criminal justice system, new bridges are being built and progress is being made.

“Although this comes during a devastating public health crisis, my office’s response has adhered to the values I’ve always put forth and is now serving as a catalyst to have breakthrough discussions about how our system intakes and treats individuals, the complexities of mass incarceration, and potential efficiencies that we can better take advantage of in our processes. This outbreak will quite possibly get worse before it gets better. In some ways, the processes we’ve set in place may change within a matter of days. However, the people of Fairfax should know that there’s a proactive, around-the-clock effort being made by a group of committed individuals in our local criminal justice system. As part of that, I will continue to put safety and justice above all while fighting for our shared values,” said Descano.

Mr. Descano continued, “I would like to offer a sincere thanks to everyone continuing to come to work in the courthouse well aware we put our health in jeopardy to administer justice.”

The Commonwealth’s Attorney’s Office remains open for business throughout the COVID-19 outbreak and defense attorneys are encouraged to reach out for more information regarding the processes outlined above.

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