VIOLATION OF GOVERNOR’S CURFEW CASES

On Friday night, May 29, 2020, a peaceful demonstration was held in Monroe Park to protest the horrific death of George Floyd while in the custody of the Minneapolis Police Department. The protests grew in number and intensity over the next 48 hours. The protests were generally peaceful during the daytime, but became violent and dangerous during the night-time. Burglaries, looting and vandalism were rampant from downtown to Carytown. Multiple incidents of arson occurred involving a GRTC bus, a Rite-Aid drug store, museum property, university buildings, and many local small businesses.

In response to these volatile conditions, Governor Northam issued Executive Order No. 64. The Order proclaimed that “a state of emergency existed” and that in order to “preserve life and property” the city of Richmond would be under a curfew. The curfew would last from May 31 to June 3, and from 8pm to 6am on each of those days. The Mayor of Richmond held a press conference on Sunday morning, May 31, 2020, to announce the details of the curfew. The terms of the curfew were also publicized across multiple media and social platforms throughout the day. Sometime after 8pm, police officers began arresting individuals who were violating the Executive Order. Over 70% of the arrestees were residents of either Richmond, Chesterfield or Henrico.

The Executive Order declared that violation of the curfew would be a Class One misdemeanor, with a maximum penalty of 12 months in jail. The Commonwealth’s Attorney’s Office waived the possibility of jail and consistent with our long-standing policy to resolve low-level misdemeanor offenses in the least punitive manner, offered to dismiss the charge if the violator performed eight hours of community service with a non-profit organization of their choice. That same offer was extended to individuals who were charged with other low-level misdemeanors such as obstruction of justice. As of March 1, 2021, these cases have been resolved as follows:

71% of the cases were taken under advisement (TUA) and dismissed following completion of 8 hours of community service, allowing the individual to expunge the dismissed charge from their record;

18% of the cases resulted in a finding of guilty by the court, either by the defendant’s plea, after trial at the defendant’s request, or after the defendant failed to appear in court;

10% of the cases were nolle prossed for a variety of reasons;

1% of the cases resulted in a finding of not guilty.

Approximately seventeen cases are still pending in the courts.