

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE

IN RE: * STANDING ORDER: 2020-01
COVID-19 PANDEMIC * JUDICIARY SITTING *EN BANC*

STANDING ORDER REGARDING PRETRIAL DETENTION

In response to the COVID-19 pandemic the Tennessee Supreme Court on March 13, 2020, declared a state of emergency for the judicial branch of Tennessee government. The judiciary of this district has been monitoring developments related to the pandemic closely, in particular with regard to the impact of the pandemic on this district's jail population. The high population density of the local jails during the current pandemic poses a special problem not only for those incarcerated but also for the corrections officers, sheriffs' deputies, law enforcement officers, health care workers, and other professionals who regularly come in contact with inmates. In recognition of this problem the undersigned Judges of the Twelfth Judicial District, sitting *en banc*, find that it is necessary and appropriate to take the following extraordinary measures to balance the interests of justice with the interests of public health.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

BAIL FOR UNSENTENCED DEFENDANTS

A. MISDEMEANORS.

- i. That bail for non-violent unsentenced misdemeanor offenses for which any inmate is currently held in any jail within the Twelfth Judicial District is set at zero, and the same inmates be released on their own recognizance pending further disposition of their cases.

- ii. That no bail be required for any person arrested for any non-violent misdemeanor offense occurring within the Twelfth Judicial District after the effective date of this Order, though nothing in this Order is intended to limit the ability of the Office of the District Attorney General to file motions requesting that bail be required for a specific case.

B. PROBATION VIOLATIONS:

- i. That bail for any unsentenced violation of probation arising from a non-violent misdemeanor offense, for which the basis of the alleged violation of probation is as specified in Schedule A, and for which any inmate is currently held in any jail within the Twelfth Judicial District, be set at zero, and that the same inmates be released on recognizance pending further disposition of their cases.
- ii. That no bail be required for any person arrested for any alleged violation of probation based on a misdemeanor sentence and who would qualify for a release on recognizance under Schedule A after the effective date of this Order, though nothing in this Order is intended to limit the ability of the Office of the District Attorney General to file motions requesting that bail be required for a specific violation of probation.
- iii. That bail shall continue to be set by the judge approving the warrant for alleged violations of misdemeanor probation other than those outlined in Schedule A.

- iv. That no bail be required for any person arrested for any alleged violation of probation based on a felony sentence and who would qualify for release on recognizance under Schedule A.
- v. That bail shall continue to be set by the Judge approving the warrant for alleged violations of felony probation other than those outlined in Schedule A.

C. FELONIES:

- i. That bail for unsentenced felony offenses for which any inmate has been determined to be indigent and is currently held in any jail within the Twelfth Judicial District be set according to the attached Schedule A, though nothing in this Order is intended to limit the ability of the Office of the District Attorney General or of any inmate or defense attorney to file motions requesting that bail be modified.
- ii. That bail be set according to the attached Schedule A for any felony offense occurring within the Twelfth Judicial District after the effective date of this Order, or for any felony offense alleged in an indictment remaining unserved after the effective date of this Order.

D. CONTEMPT:

- i. Bail for indigent inmates as evidenced by a properly completed and sworn to Affidavit of Indigency who are held in custody based on any allegation of criminal or civil contempt, other than the failure to appear for an alleged felony offense, is set at zero, and the same inmates be released on recognizance pending further disposition of their cases.

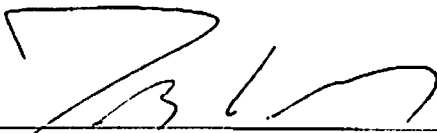
- ii. That no bail be required for any person arrested on any allegation of criminal or civil contempt, other than the failure to appear for any alleged felony offense or violation of felony probation not otherwise eligible for own recognizance release.

E. HEARINGS:

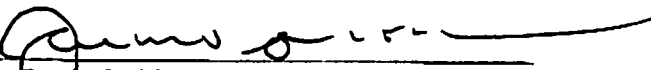
That all hearings regarding any dispute about bail may be conducted telephonically, unless the Judge conducting the hearing orders the hearing to be conducted in person.

ENTER: This 17th day of March, 2020.

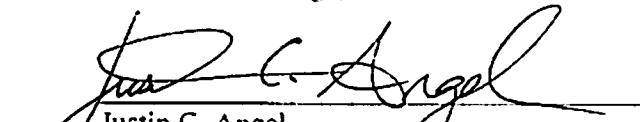
JUDGES OF THE TWELFTH JUDICIAL DISTRICT




Thomas W. Graham
Circuit Court Judge, Part 1



J. Curtis Smith
Circuit Court Judge, Part 2



Justin C. Angel
Circuit Court Judge, Part 3



Melissa Thomas Blevins-Willis
Chancellor

SCHEDULE "A"

Offenses Eligible for Own Recognizance Bonds

1. Non Violent Misdemeanors
2. Non Violent C, D & E Felonies
3. Probation violations based solely on:
 - (a) any allegation of a positive drug screen or admission to use of any controlled substance;
 - (b) any allegation of absconding supervision for a period of four months or less;
 - (c) any allegation of the commission of a new misdemeanor offense other than domestic assault or driving under the influence;
 - (d) any allegation of failure to pay court costs, restitution, supervision fees, or any other payment required by the court as a condition of probation;
 - (e) any allegation of failure to complete any class or assessment; or
 - (f) any other allegation of a technical violation of the rules of probation, excluding the commission of a new felony offense or a new misdemeanor offense involving domestic assault or driving under the influence.
4. All other offenses and revocations not set forth in 1, 2 and 3 above are to be set by the appropriate court.

For purposes of this Schedule, a violent offense would be those offenses against the person set forth in T.C.A. §39-13-101 thru §39-13-533 and those against children as set forth in T.C.A. §39-15-401, 402.