

IN THE SIXTH JUDICIAL DISTRICT OF TENNESSEE

IN RE:	}	
COVID-19 PANDEMIC	}	
	}	GENERAL ORDER: 3/30/20
	}	
JUDICIARY SITTING EN BANC	}	

AMENDMENT TO THE GENERAL TEMPORARY ORDER
REGARDING PRE-TRIAL DETENTION

In response to the COVID-19 pandemic and the Tennessee Supreme Court Order of March 13, 2020 and the continuing order of March 25, 2020 suspending in-person court proceedings, the Criminal Court Judges of the Sixth Judicial District and the General Sessions Court Judges of Knox County sitting en banc entered an order to address jail population of pre-trial detainees. The court does hereby amend that order by substituting the following paragraph for paragraph 3:

3. New felony arrests: any individual who is arrested on a non-violent (as defined below in paragraph 5) C, D, or E felony be released on their own recognizance. However, nothing in this Order is intended to limit the ability of the Knox County District Attorney to seek bail or revocation of bail pursuant to TCA 40-11-141 in specific cases where individuals pose a threat to the safety of the community.

IT IS SO ORDERED:

STEVEN W. SWORD
CRIMINAL COURT, DIV. I
ACTING ON BEHALF OF AND WITH PERMISSION OF GENERAL SESSIONS
COURT AND CRIMINAL COURT JUDGES

IN THE SIXTH JUDICIAL DISTRICT OF TENNESSEE

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COVID-19 PANDEMIC	}	
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GENERAL TEMPORARY ORDER REGARDING PRE-TRIAL DETENTION

In response to the COVID-19 pandemic and the Tennessee Supreme Court Order of March 13, 2020 and the continuing order of March 25, 2020 suspending in-person court proceedings, the Criminal Court Judges of the Sixth Judicial District and the General Sessions Court Judges of Knox County sitting en banc do enter this standing order to address the jail population of Knox County detention centers. In light of the population density of the local detention facilities and the need to reduce the potential spread of the COVID virus to inmates, correction officers, and health care workers, it is necessary to take the following temporary extraordinary measures to balance the interests of justice and the interests of public health.

1. Currently incarcerated individuals: the Knox County District Attorney's Office in conjunction with the defense bar have made great strides in reducing the current population in Knox County detention facilities. As of the Supreme Court's order of March 13, 2020, many inmates have been released on their own recognizance. The population has been reduced by 20% in less than two weeks. The parties are encouraged to continue to resolve cases, especially those that will result in release from custody of unsentenced individuals. Motions for release that are not agreed upon by the State may only be heard

with permission of the court. Whether a hearing is to be granted on said motions will be determined on a case by case basis.

2. New misdemeanor arrests: any individual arrested for a misdemeanor offense that does not involve domestic assault or DUI shall be released on their own recognizance. However, nothing in this Order is intended to limit the ability of the Knox County District Attorney to seek bail pursuant to 40-11-148 for individuals who committed a crime while currently free on bond or revocation of bail pursuant to TCA 40-11-141 in specific cases where individuals pose a threat to the safety of the community.
3. New felony arrests: any individual who is arrested on a non-violent (as defined below in paragraph 5) C, D, or E felony and who is determined to be indigent shall be released on their own recognizance. However, nothing in this Order is intended to limit the ability of the Knox County District Attorney to seek bail or revocation of bail pursuant to TCA 40-11-141 in specific cases where individuals pose a threat to the safety of the community.
4. New violations of probation: any individual arrested on a violation of probation shall be released on their own recognizance if there are no pending violations of probation *and* the new violation: 1) alleges a failed drug screen, 2) alleges absconscion for less than three months, 3) alleges a new non-violent (as defined below in paragraph 5) misdemeanor offense, 4) alleges the failure to satisfy monetary obligations in any form, and/or 5) any other alleged technical violation.
5. Violent offense: for purposes of this order, a violent offense is any offense that

would constitute a felony *and* is codified from TCA 39-13-101 through 39-13-533, offenses against children as set forth in TCA 39-15-401, 402, aggravated burglary, DUI 2nd or greater, and all forms of domestic violence. Non-violent offense is any offense not qualifying as a violent offense as defined above.

6. Any matter not specifically addressed in this order shall be determined on a case by case by a judge.

This order shall expire on April 30, 2020 at 11:59 PM.

IT IS SO ORDERED:

STEVEN W. SWORD
CRIMINAL COURT, DIV. I

KYLE HIXSON
CRIMINAL COURT, DIV. II

SCOTT GREEN
CRIMINAL COURT, DIV. III

CHUCK CERNY
GENERAL SESSIONS, DI

GEOFFREY EMERY
GENERAL SESSIONS, DII

PATRICIA HALL LONG
GENERAL SESSIONS, DIII

ANDREW JACKSON, VI
GENERAL SESSIONS, DIV

TONY W. STANSBERRY
GENERAL SESSIONS, DV