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Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: COVID-19 PANDEMIC

No. ADM2020-00428

ORDER REGARDING EMERGENCY PETITION

On March 13, 2020, the Tennessee Supreme Court entered an order declaring a state of emergency for the Judicial Branch of Tennessee and activating a Continuity of Operations Plan. This plan included the suspension of in-person court proceedings with certain exceptions and the extension of filing deadlines. On March 25, 2020, the Court entered another order continuing the suspension of in-person court proceedings and extension of deadlines. As part of the March 25 order, the Court directed as follows:

> The presiding judge or the designee of the presiding judge of each judicial district shall develop a written plan to affirmatively address issues regarding the incarceration of nonviolent offenders in furtherance of efforts to reduce the jail population, including but not limited to bond reductions or eliminations, deferred sentences, and suspended sentences. The presiding judge or the designee of the presiding judge of each judicial district shall submit its plan to the Administrative Office of the Courts by the close of business on Monday, March 30, 2020, absent an extension granted by the Chief Justice.

On March 24, 2020, Dawn Deaner, on behalf of the Choosing Justice Initiative and several other organizations, filed an "Emergency Petition to Supplement Court's Order with Directives Necessary to Reduce COVID-19 Public Health Risks Associated with Tennessee Jails, Juvenile Detention Centers and Prisons." The petition requested the Court supplement its March 13, 2020 order by providing "necessary additional directives to Tennessee courts, court clerks, sheriffs, and the Tennessee Department of Corrections." The directives sought by the petition essentially would constitute blanket orders by this Court as to which inmates must be released. Moreover, the petition requested this Court to order the release of prisoners from state prisons. Because of the timing of the filing, it would not have been possible for the petitioners to be aware of the actions of this Court that were formally memorialized in the March 25, 2020 order before filing their petition.

As a result of the March 25, 2020 order, each judicial district in Tennessee has developed a written jail population reduction plan as directed by the Court. As of March 13, 2020, the date of this Court's first order, the total population in county jails across the state stood at 27,169. Implementation of these plans has now occurred. Each district has been reviewing inmates on a case-by-case basis. As of April 21, 2020, the overall county jail population in Tennessee has decreased to 19,126. This represents an overall reduction of approximately 30%.

Moreover, a number of county jails that were over capacity are now under that capacity level or at least have seen major reductions. By way of example, the petition notes the overcrowding of the Hamblen County and Van Buren County jails. In Hamblen County, the jail held 384 inmates as of December 2019. The capacity of the jail is 255. As of April 21, 2020, the jail housed 207 inmates, an amount well under its capacity. Likewise, Van Buren County has seen a reduction of 38% in its jail population.

Given these results, the Court concludes that a case-by-case approach to the release of inmates housed in a county jail is a better approach than the blanket approach advocated by the petitioners at this time. Additionally, any early release of inmates held under a lawful sentence in state prisons is a decision for the executive branch at this time. Accordingly, for all these reasons, the Court concludes that the petition should be respectfully DENIED at this time. The Court will continue to monitor these matters closely in the coming days and weeks.

PER CURIAM