



March 26, 2020

Sent via E-mail

The Honorable Joe Binkley, Jr.
Circuit Court Judge, Fifth Circuit
Presiding Judge, Davidson County Trial Courts
Metro Courthouse
1 Public Square
Nashville, TN 37201

The Honorable Lynda Jones
General Sessions Judge, Div. IX
Presiding Judge, Davidson County General Sessions Court
A.A. Birch Building
408 2nd Avenue North
Nashville, TN 37219

The Honorable Sheila Calloway
Judge, Davidson County Juvenile Court
100 Woodland St.
Nashville, TN 37219

**RE: Davidson County Plan to Reduce Incarcerated Populations
during COVID-19 Pandemic**

Dear Judge Binkley, Judge Jones and Judge Calloway,

I hope you are all staying safe in this unprecedented time, and I appreciate all the work you and your staff are doing to protect the health and welfare of court participants and the public, as our legal system continues meeting its vital functions during the COVID-19 pandemic.

I am writing today with regard to the Tennessee Supreme Court's March 25, 2020, Order Extending Limits on In-Person Court Proceedings. Therein, the Court directed the presiding judge of each judicial district to develop a written plan to affirmatively address issues regarding 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."

I am aware of collaborative efforts already underway in Davidson County to reduce our jail population, and I am grateful for the leadership demonstrated by our Sheriff, Public Defender, District Attorney, local bench, and bar in making this happen. Based on events unfolding in other cities where COVID-19 outbreaks occurred earlier than Nashville, I am convinced leaders here must act as boldly, and as quickly, as possible to reduce even further the number of people currently in our jails, as well as the number of new arrestees going into them. Such action is necessary not only to protect people detained in these facilities, but also to protect the health and safety of those who work there, their families, and the general public.

Social distancing, effective sanitizing practices, and isolation of individuals with COVID-19 infections are the only defenses people have to remain safe. None of these are possible in a jail that houses over 1000 people, or in any setting where people are in close quarters with no control over their physical space. The vast majority of people incarcerated in the Davidson County jails, and at the privately-run CoreCivic facility, are pretrial detainees who have not been convicted of any crime, or they are serving sentences for misdemeanors, probation violations, or felonies that resulted in sentences of six years or less. While there are risks associated with releasing some of these individuals, that is not the case for the majority of people in the jail. Further, the risks of keeping people confined together in close quarters as COVID-19 spreads pose an even greater danger to our community's safety.

On Tuesday, the Choosing Justice Initiative and several other organizations filed an Emergency Petition in the Tennessee Supreme Court asking it to take action to reduce local jail and juvenile detention center populations. We also filed a Declaration from a leading expert on healthcare in correctional settings in support of our requests. A copy of those documents is provided with this letter for your review and consideration. Therein, we explained the reasons for our requests, and outlined very specific steps courts can take to do that without negatively impacting public safety. Those steps include, but are not limited to:

Immediately releasing (pursuant to Tenn. Code Ann. §§ 40-35-212, 40-35-314(c), 40-35-316, 40-11-104):

- persons serving misdemeanor or low-level felony sentences, particularly if they are close to finishing their sentence
- persons at elevated risk of infection and/or its effects
- persons confined pretrial who are eligible for release but cannot afford the money bail set in their case
- children detained on delinquency charges
- persons confined on pending probation violations

Reducing jail admissions by releasing those who do not qualify for citations/summons:

- on their own recognizance
- on an unsecured monetary bond
- on pre-trial supervision

I appreciate your conscientious approach to this critical issue, and your consideration. I also urge you to develop a plan for Davidson County that implements as many of the directives suggested in our Emergency Petition as possible. If I can assist in your efforts in any way, please let me know.

Thank you for your commitment and service to the people of Nashville.

Respectfully,



C. Dawn Deaner
Executive Director & Attorney

Attachments

Emergency Petition to Amend Order Limiting In-Person Court Appearances
Exhibit 1 to Emergency Petition

cc: Daron Hall, Sheriff, Metro-Nashville Davidson County
Martesha Johnson, Metro-Nashville Public Defender
Glenn Funk, District Attorney for the 20th Judicial District