

ADMINISTRATIVE ORDER NO. 20-12

Order Concerning Modification of Sentences and Requests for Bond Modification

In Light of Immediate Health Concerns Presented by COVID-19

Until further order of the Court, due to information released by various local, state and federal agencies monitoring the status of the COVID-19 virus, and the continuing development for concerns as efforts to contain the spread of the virus are released, the following administrative order is hereby entered:

- 1) A) For all persons in custody in the Douglas County Jail serving a sentence pronounced by a judge of this district, the Sheriff of Douglas County is hereby authorized to adopt guidelines for determining whether a person in custody is at risk for being a carrier of, or actively suffering from, COVID-19. Upon making such a determination as to any individual in custody, and when the Sheriff determines that the overall circumstances warrant, for the, health, safety and/or security of jail staff and/or other inmates, immediate release without further opportunity for hearing, the Sheriff is hereby authorized to personally serve the following statement to the person and to release the person for an automatic 14-day furlough.

“You are hereby notified that your sentence is being modified by special order of the Court due to identified concerns as to your health as it may be affected by the COVID-19 virus. You are therefore encouraged to seek independent medical advice and examination immediately upon release.

Your sentence is modified as follows: You are released from custody for a period of 14 days. You must report to the jail on _____, 2020, at _____ o'clock a.m./p.m., at which time you will resume the balance of your sentence, unless, at the time you present yourself, the jail

determines you continue to present a risk to the health and safety of the staff or other inmates at which time you may receive an additional 14 day furlough.

You are prohibited, during this furlough, from using any illegal drugs or consuming alcohol. You will be subject to testing upon your return to the jail. If you test positive for illegal drugs and/or alcohol, you may be subject to sanction by the court or subject to additional criminal penalties, either of which may result in further incarceration.

If you fail to report at the time and date above, a warrant may issue for your arrest and you will be held pending further hearing by the Court. Such failure to appear may also serve as the basis for additional criminal charges, including contempt.”

The Sheriff shall execute a certificate of service for any person to whom a furlough is granted stating the date and time served and file the same, along with a copy of the notice served, with the Clerk of the District Court. The Clerk’s office shall notify the division judge where the case is assigned of any certificate of service filed in a case.

B) If the Sheriff identifies a person as presenting a risk to the health, safety and security of jail staff and/or other inmates, but the Sheriff is not convinced immediate release is justified under the overall circumstances, then the process described in paragraph 2 hereof shall be followed.

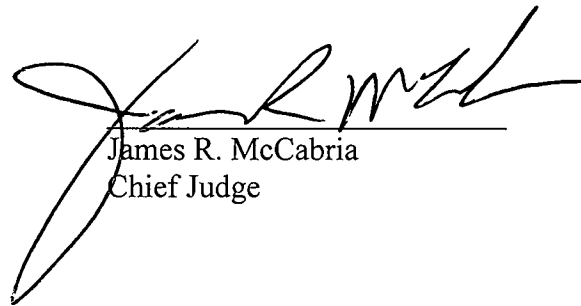
2) For any person in custody on a bond on pre-conviction status for whom the Sheriff determines presents a risk as described above, or pursuant to paragraph 1.A., the jail will notify the division judge on whose order the person is in custody and request an immediate hearing.

- a. The division judge shall be responsible for making any such request its first priority for hearing over any other court business. The Court will notify the District Attorney and, if the person in custody has counsel of record, will notify that counsel of the request.

All counsel shall appear as directed for such hearing as the Court deems prudent under the circumstances.

- b. If the Court determines that bond should be modified on an *ex parte* basis, notice of any such modification shall be immediately provided to counsel and the person shall be informed of a date to appear for court which may be modified as the Court later determines.

This order is made and is effective this 12th day of March, 2020.



James R. McCabria
Chief Judge