

ORANGE COUNTY JUSTICE SYSTEM RESPONDS TO COVID-19

Orange County court and law enforcement stakeholders have responded to the COVID-19 crisis with urgency and collaboration. While safely reducing pretrial incarceration and providing care for individuals who must remain detained is always a priority, it has become more critical since social distancing guidelines were established as a way to slow the spread of the coronavirus.

Below is a summary of actions and responses taken in Orange County to address the health, safety and Constitutional rights of all people with justice system needs during the pandemic. These actions have significantly reduced pretrial incarceration and enhanced safety while ensuring that critical functions and due process protections remain in place.

JUDICIAL DISTRICT ADMINISTRATIVE ORDERS

Order Issued March 16, 2020 by Chief District Court Judge Joseph Buckner: Coronavirus Policy for District Court Cases in Judicial District 15B. This Order stated that all criminal cases continued from March 16, 2020 through April 17, 2020 to dates on or after April 20, 2020 are subject to an absolute right of an additional continuance by either party, for either side to schedule or subpoena necessary witnesses. If both parties agree the case is ready for trial it can go forward without further delay. While no trials are being held during this period, parties will also have the opportunity for an additional continuance once trials resume.



Order Issued March 16, 2020 by Chief District Court Judge Joseph Buckner: Coronavirus Policy for Extended Payment Times in Judicial District 15B. This Order stated that any payment due to the Clerk of Court between March 16 and April 17 was granted an extension for 40 days.

Order Issued March 16, 2020 by Chief District Court Judge Joseph Buckner: Administrative Order for Social Services Matters. This Order stated that non-essential social service matters should be postponed and in-person hearings should be cancelled with remote technology being implemented where possible and to ensure safety of parties and due process safeguards.

Order Issued March 19, 2020 by Resident Superior Court Judge Carl Fox: Temporary Suspension of Weekend and Non-Continuous Active Sentences Being Served in Chatham and Orange County Jails/ Detention Centers as a Condition of Probation or Other Court Order. This Order suspended all periods of intermittent confinement (sentences which include a future period of short incarceration) for a period beyond 30 days.

COURT STAKEHOLDER ACTIONS

- District Court judges are available on call 24/7 to address release conditions of cases before the Magistrate where the Magistrate's discretion is statutorily limited. These include domestic violence cases and Orders for Arrest where a judge has set a financial bond. Superior Court judges are available as needed to consult with magistrates on Orders for Arrest from Superior Court. This ensures that where it is safe and appropriate, a non-secured release condition can be immediately imposed so the individual never enters the Detention Center.
- Magistrates have been using their discretion to order Pretrial Services supervision where an individual before them would have otherwise been detained in cases where this is a safe and appropriate alternative. Previously, Pretrial Services was ordered at the First Appearance hearing after initial detention.
- The few individuals who are detained are screened by Pretrial Services immediately and recommendations for release conditions are made to the first appearance stakeholders.
- Daily District Court sessions are being held at 2 p.m. for first appearances, bond motions, pleas, ex parte and other emergency orders and other critical matters to ensure due process, victim protection and facilitate additional custody releases. District attorneys and public defenders appear via WebEx and a Judge presides in person.
- Individuals seeking Domestic Violence Protection Orders continue to be served remotely by the Compass Center and the Orange County Sheriff's Office. DVPO E-Filings continue to be heard daily by a judge.
- Civil family violence court days continue on Thursdays every week.
- Child planning conferences and hospital commitment hearings continue.
- Superior Court Judges stand by ready to handle felony pleas by WebEx, especially where the result releases a person from custody to probation. In addition, they are available to hear bond motions, motions for appropriate relief and other critical matters by WebEx as needed.
- Orders for Arrest are rarely being issued.

- Technical violations of probation will not be served unless there is a safety issue and financial release conditions are not being imposed.
- The Criminal Justice Resource Department, the DA's Office, the PD's Office and Assigned Counsel continue to work daily to identify Pretrial individuals in custody who have medical issues that make them vulnerable and/ or have cases where release to the community or a program can be safely and carefully considered.
- Where possible, law enforcement officers are issuing citations to people who allegedly violate the law instead of arresting them. This alternative way of compelling individuals to court diverts people from entering the detention center but still requires their eventual appearance before the judicial system.
- Inebriation detention holds have ceased.

PRETRIAL DETENTION DATA

Detention Center Capacity: 126

Detention Center Dashboard Data From 4/4/20:

Pretrial Population: 40

Writ Population: 0

Federal Population: 27

State Serving Population: 15

Juvenile Population under 18 years old: 0

Daily Jail Population: 82

Compare this to pre-COVID-19 Detention Center Dashboard Data on 1/13/20:

Pretrial Population: 80

Federal Population: 24

State Serving Population: 26

Daily Jail Population: 130

We have seen a 50% decrease in the Pretrial population since mid-January and a 37% decrease in the overall daily population.

Comparing the number of Pretrial Bookings for the same period one year ago:

3/15/19 – 4/15/19 –

145 Pretrial bookings into the Detention Center

3/15/20 – 4/15/20 –

38 Pretrial bookings into the Detention Center

We have seen a 74% reduction in pretrial individuals entering the Detention Center for this time period.

DETENTION CENTER MODIFICATIONS BY THE ORANGE COUNTY SHERIFF'S OFFICE

- Orange County has been holding multiple weekly conference calls regarding COVID-19 since January. Through these, we sought guidance for COVID-19 specific best practices for an incarcerated population. We subsequently received Guidance for Correctional Facilities information from DHHS's Division of Public Health's Communicable Disease branch.
- We followed professional recommendations and installed multiple air scrubbers with HEPA filtration in the detention center. These scrubbers reduce particulate matter and airborne viruses, and they significantly improve air quality in the facility.
- Incoming detainees to the Orange County Detention Center initially stay in one of two new negative pressure rooms. Their temperatures are monitored for three days. If a person has no fever and remains symptom free, he or she will then transfer into the general population.
- Southern Health Partners, our contracted medical provider, uses a Coronavirus Screening Form on any febrile person admitted for a felony and unable to be released.
- We cancelled regular visitation and put procedures in place for emergency legal visits or other dire circumstances such as an inmate needing to receive notification of the death of a loved one. These meetings will be conducted using digital devices while the inmate is in a private, isolated room. No face-to-face contact will occur.
- Because there is no visitation, Sheriff Blackwood worked with Paytel to ensure three free phone calls per week for each individual detained in the facility and acquired iPads so that weekly UNC psychiatry visits could continue virtually. The peer support group continues to be able to visit individuals through the attorney visitation booth. Faced with increasing attorney reluctance to visit the detention center, WebEx communication for First Appearances has been established. Confidential communication has been arranged so that privileged communication can occur with counsel, Pretrial Services, and others.
- The facility is cleaned twice a day. Additional cleaning products are available to inmates if requested.
- Health protocols were reviewed with detention center staff. Employees who do not feel well or have had a known exposure to an infected person must stay home.
- To date, there have been no reports from the Detention Center or the Orange County Health Department that any present or recently released individual has COVID-19. ■



Caitlin Fenhagen
Criminal Justice Resource Director
Office: 919-245-2303
Mobile: 919-423-4272
cfenhagen@orangecountyinc.gov