

**EMERGENCY ADMINISTRATIVE ORDER
DELEGATING CERTAIN
JUDICIAL RELEASE AUTHORITY**

WHEREAS, On March 13, 2020, the Minnesota Governor Tim Walz declared a peacetime state of emergency due to the worldwide spread of COVID-19, also referred to as the Coronavirus; and

WHEREAS, on March 13, 2020, the President of the United States also declared a nationwide state of emergency due to the spread of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention has recommended several steps to help slow or prevent the spread of COVID-19. These steps include avoiding close contact with others, staggering work schedules, and limiting large gatherings; and

WHEREAS, the Second Judicial District is taking necessary and reasonable steps to reduce potential exposure of persons to large group settings; and

WHEREAS, pursuant to Minn. Stat. § 484.60, subd. 3, the chief judge of the district has general administrative authority over the courts in the judicial district; and

WHEREAS, the Ramsey County Sheriff is implementing steps to reduce the risk of infection among both its staff and the inmates in its custody; and

WHEREAS, the Ramsey County Sheriff houses inmates at the Adult Detention Center(ADC) in St. Paul, Ramsey County, Minnesota who have not yet been convicted of a crime, who are awaiting sentencing, or who alleged to have violated probation;

WHEREAS, the Ramsey County Sherriff, seeks authority to release all persons who are currently detained on low level, nonviolent offenses as a result of an inability to pay bail or as result of complaint warrant, a warrant for failing to appear at 1st Appearance, Rule 8, Omnibus Hearing, Pretrial or Trial, in an effort to decrease the risk of introducing COVID-19 into ADC. Similarly, if COVID-19 enters ADC, an order releasing inmates on own their own recognizance would decrease the risk of spreading the disease to the community by those inmates;

IT IS HEREBY ORDERED:

- A. The November 29, 2018 Order Delegating Certain Judicial Release Authority to Project Remand is hereby expanded to delegate judicial certain release authority to the Ramsey County Sheriff during the pendency of this order, pursuant to Rule 6.02, subd. 1, of the Minnesota Rules of Criminal Procedure, in the circumstances described below.
- B. Defendants arrested on a probation violation warrant or warrant for failing to appear at sentencing shall not be considered for release pursuant to this Order.
- C. The Ramsey County Sheriff is authorized to release a Defendant without bail, bond, or conditions of release as follows:
 - 1. Any defendant arrested on new charges filed by citation, or Ramsey County/2nd Judicial District warrants for failing to appear, for the following charges:
 - a) Driving After Revocation § 171.24(2);
 - b) Driving After Suspension § 171.24(1);
 - c) No Proof of Insurance § 169.791;
 - d) No Driver's License in Possession § 171.02
 - 2. Defendants arrested on new charges and those charges have been filed by complaint or citation, **or** the Defendant was arrested on Ramsey County/2nd Judicial District warrant(s) for failure to appear for a hearing other than a probation violation or sentencing hearing, **and** the Defendant:
 - a) Is **NOT** charged with:
 - i. A qualified domestic violence-related offense as defined in Minn. Stat. § 609.02, subs. 16.
 - ii. Misdemeanor violation of a harassment restraining order, violation of an order for protection, or indecent exposure.
 - iii. Gross Misdemeanors filed under Minnesota Statute 169A, including DWI and test refusal charges.
 - iv. A felony, with the exception of an arrest for one of the following offenses: aggravated forgery (609.625); check forgery/offering a forged check (609.631); criminal damage to property (609.595); financial transaction card fraud (609.821); forgery (609.63); fraud in obtaining credit (609.82); gambling (609.76); identify theft (609.527); insurance fraud (609.611); issuance of dishonored check (609.535); issuance of worthless check (604.113); lawful gambling fraud (609.763); medical assistance fraud (609.466); misusing credit card to secure services (609.545); motor vehicle tampering (609.546); obtaining signature by false pretenses (609.635); possession of/receiving stolen property

(609.53); possession of shoplifting gear (609.521); residential mortgage fraud (609.822); state lottery fraud (609.651); telecommunications and information services fraud (609.893); theft (609.52); uttering a forged instrument (609.625, subd. 3); wrongfully obtaining assistance (256.98, subd. 1); wrongfully obtaining unemployment benefits (268.182); or VOCSL-5 possession (152.025, subd. 2); Sale of Simulated Controlled Substance (152.097); Certificate of Title of False Information (168A.30, Subd. 1); Voting Violations (201, 203B, 204C); False Declaration in Assistance Application (256.984); Bringing Stolen Goods into the State (609.525); Tampering with Fire Alarm (609.686); Possession/Use of Scanning Device or Reencoder (609.528).

- D. The Ramsey County Sheriff may also authorize other agencies or detention facilities to release defendants who are arrested or detained in other jurisdictions on Ramsey County warrants that would qualify for release under this order, to avoid unnecessary transport of defendants who would be released upon arrival.
- E. Notwithstanding the eligibility of a defendant for release pursuant to paragraphs A-D above, a period of preventive detention is hereby allowed until the first court appearance or for 48 hours, including Sundays and holidays, whichever occurs first when:
- a) A suicidal or mentally ill defendant is in custody, such symptoms have been medically verified, and transfer to a qualified medical facility has been arranged;
 - b) It reasonably appears that the defendant is intoxicated under the influence of a mood-altering substance to the extent that detention is necessary to prevent injury to self or others;
 - c) There has been a verified threat of future harm to specific individuals and there has been confirmation of the fear of such threat.
- F. The Sheriff shall serve a notice upon the defendant at the time of release advising that the defendant shall contact the court for the next scheduled court date within 30 days. It is the defendant's responsibility to maintain current contact information on the court record. Failure to appear at a future date will result in the issuance of a warrant for arrest.
- G. This order shall take effect upon filing, and shall remain in force and effect through April 12, 2020, unless a further court order rescinds or extends this order.

Dated: March 19, 2020

BY THE COURT:

John H. Guthmann
Chief Judge, Second Judicial District