



Supreme Court

STATE OF LOUISIANA
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New Orleans
70130-8101

CHIEF JUSTICE

BERNETTE JOSHUA JOHNSON

JUDICIAL ADMINISTRATOR

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April 2, 2020

To the Louisiana District Judges:

Thank you for all that you are doing during this crisis to mitigate the spread of COVID-19 throughout our state. Experts estimate the rate of spread of COVID-19 in Louisiana will be one of the highest in the nation. The decisions that you make will have a significant impact on our communities and our state and will save lives.

Louisiana has a significantly higher-than-average parish jail population. An outbreak of COVID-19 in our jails would be potentially catastrophic for jail staff, the families of jail staff, and inmates. Therefore at this time, it is important to safely minimize the number of people detained in jails where possible. In order to restrict the potential spread of this contagion through jails, I ask that each judge in her/his criminal division, and in conjunction with prosecutors, public defenders and sheriffs, conduct a comprehensive and heightened risk-based assessment of all detainees (except those who have been convicted of felony offenses and remanded to the Department of Corrections) in accordance with the following guidelines:

1. For those charged with misdemeanor crimes, other than domestic abuse battery, favor a nominal bail amount, or a release on recognizance order – with, of course, a notice to appear on a future date;
2. For those convicted of a misdemeanor crime, consider modification to a release and supervised probation or simply time-served;
3. For those charged with a non-violent offense, consider a reduced bail obligation or a release on recognizance order with, of course, a notice to appear on a future date;
4. For those charged in other criminal matters, re-examine the nature of the offense and criminal history, if any, to determine if any bail revisions are appropriate;

5. Where the Department of Probation and Parole requests a revocation of probation and it is within your discretion to revoke, please confer with Probation and Parole to determine whether there is an alternative to detention, especially with technical violations;
6. For those being held due to an outstanding warrant “hold” from another judicial district or jurisdiction, please request prosecutors and a designated sheriff’s deputy promptly communicate with that jurisdiction to determine whether the underlying reason for the hold is sufficiently minor (e.g., a minor traffic offense, failure to pay money obligations, failure to return a rental movie) such that release can be effected or whether the detainee can be immediately transferred;
7. Please suggest to law enforcement that, whenever practicable, they issue summons and citations on misdemeanor crimes and non-violent offenses in lieu of arrest, with a notice to appear on a future date.

During this very challenging time, the health of thousands of people is dependent on you, the District Judges of Louisiana. I commend the way that many of you have already been pursuing ways to minimize outbreaks of COVID-19 in jails. This letter is to provide guidance on further comprehensive, heightened risk-based assessments in this unprecedented and challenging time.

Thank you for your valuable service to your community and our state. Please take good care of yourselves and your families!

Sincerely,

A handwritten signature in black ink, reading "Bernette J. Johnson". The signature is written in a cursive, flowing style.

Chief Justice Bernette J. Johnson