

March 17, 2020

To: The Travis County Courts at Law and the Travis County District Courts

Re: COVID-19 and the Travis County Jail

To the Honorable Judges of the Travis County Courts at Law and the Travis County Criminal District Courts:

We recognize that the threat of COVID-19 is unprecedented and appreciate that you are working hard to address this threat. As you know, jails are uniquely vulnerable to the spread of disease, and normal precautions regarding social distancing and sanitation can be impossible to follow. Moreover, requiring person-to-person contact in the criminal legal system such as in court appearances, probation check-ins, and pretrial classes greatly increases chances of COVID-19 exposure and spread. This virus is likely to hit the most vulnerable among us, including the disproportionately low-income people of color who are called to your courtrooms. We share your goal of preventing, limiting, and managing a possible outbreak of COVID-19 in our jail and court system, and to that end, we urge you to take the following steps:

1. **Recall all non-priority warrants and reject new warrants for non-violent offenses:** Travis County needs to minimize the number of new arrestees coming into the jail and rotating through booking for “walk-throughs.” Courts should immediately recall non-priority warrants, including but not limited to all warrants for all non-violent offenses, drug offenses, driving with an invalid license, and bail jumping/failure to appear. Similarly, courts should reject new warrants and cases for non-violent offenses.
2. **Implement an Emergency General Order granting immediate release on personal bond for categories of low-priority detainees:** Courts should implement an Emergency General Order to immediately release all of the following people:
 - **Pretrial:** People being held in jail pretrial for non-violent offenses, including non-violent felony offenses; and
 - **Community Supervision Revocation:** People awaiting revocation hearings for technical violations of community supervision. Furthermore, these hearings should be postponed for as long as the Disaster Declaration remains in effect.
3. **For those not covered by the Emergency General Order, release on personal bond all people who would not pose an immediate risk:** Courts should work with defense attorneys, the Sheriff, the District Attorney, the County Attorney, and Pretrial Services to identify and release all persons who would not pose an immediate threat if released, either with or without monitoring conditions. Courts should also call on Travis County Commissioners Court to approve all necessary funding for free monitoring and other services.
4. **For people out on bail or on community supervision, adjust conditions to reduce the risk of revocation and of community spread:** Many people out on bond or serving

sentences of community supervision have a number of conditions that may now pose an undue burden and increase the risk of community spread. Courts should reevaluate these conditions, especially conditions that require in-person meetings, counseling sessions, classes, or testing.

5. **Postpone sentencing report dates and any hearings at Defense Counsel's request:** At the request of Defense Counsel, courts should postpone any hearings, including sentencing hearings, for as long as the Disaster Declaration is in place. Courts should also postpone the dates that sentenced people who are not in custody are required to report to jail to serve their sentences.
6. **Lift all OmniBase license holds and urge Travis County Commissioners Court to end participation in the program:** Travis County currently participates in the OmniBase program, which puts holds on people's licenses if they miss a court date or fail to pay fines and costs. This traps them in a cycle of debt, and makes it likely that they will eventually end up in being arrested for driving with an invalid license. In addition, public transportation, to the extent that it will even be functioning in the near future, is very dangerous and has a high potential for community spread. People should have their license holds lifted so that they can safely get to the grocery store and to the doctor during this crisis.

Thank you for your attention to this issue. We hope to be in contact with you as you work to limit the spread of this virus and protect our most vulnerable.

Sincerely,

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