

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

**IN RE DELEGATION OF AUTHORITY TO HENNEPIN COUNTY DEPARTMENT OF
COMMUNITY CORRECTIONS FOR RELEASE OF CERTAIN ARRESTEES FOR
PROBATION VIOLATIONS**

ADMINISTRATIVE ORDER

WHEREAS, the recent outbreak of Coronavirus Disease 2019 (COVID-19) in Minnesota has resulted in the declaration of a peacetime emergency pursuant to the issuance of Executive Order 20-01 by Governor Tim Walz on March 13, 2020 and has issued subsequent orders including a stay at home directive extending until May 4, 2020 (Emergency Executive Order No. 20-33(Apr. 8, 2020)); and

WHEREAS, the District Court 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;

WHEREAS, the Hennepin County Department of Community Corrections (“DOCCR”) issues probation violation reports that form the basis for the issuance of arrest and detain warrants by the District Court, and under the exceptional circumstances currently existing, the undersigned is delegating authority as set forth below in specified circumstances to the DOCCR for review and release of certain arrestees who are arrested solely due to a probation violation arrest and detain order; and

WHEREAS, DOCCR is responsible for preparing all persons leaving the Hennepin County Adult Detention Center who are to be on electronic home monitoring (“EHM”) and/or remote electronic alcohol monitoring equipment pursuant to a Fourth Judicial District judge’s order.

NOW, THEREFORE, it is hereby ordered that:

1. The Hennepin County Department of Community Corrections is hereby authorized to (i) review and confirm that the arrestee has been booked at the Public Safety Facility solely on a Hennepin County probation violation warrant as identified by the Hennepin County Sheriff’s Office; and (ii) have the appropriate identified DOCCR Unit Supervisor Triage Team review the person’s status and record to determine if the person may be released pending a future out of custody hearing date pursuant to the criteria listed below, released

directly from the jail to EHM as a further condition of probation, or whether the person should remain in custody to appear before a judge.

2. DOCCR is hereby authorized to release persons arrested with probation violation warrants; **provided, however**, that any of the following events or circumstances shall disqualify the arrestee from release by the DOCCR pursuant to this Order, and shall require an appearance before a judge: (A) the underlying conviction is for one or more of the following offenses:

- a. adultery resulting in death (Minn. Stat. §609.687 Subd.3(1));
- b. aggravated robbery (Minn. Stat. §609.245);
- c. first degree assault (Minn. Stat. §609.221);
- d. second degree assault (Minn. Stat. §609.222);
- e. assault of unborn child 1st degree (Minn. Stat. §609.267);
- f. criminal abuse of vulnerable adult (death or great bodily harm)(Minn. Stat. §609.232 Subd.3(a)(1 & 2);
- g. criminal sexual conduct 1st degree (Minn. Stat. §609.342);
- h. criminal sexual conduct 2nd degree (Minn. Stat. §609.343);
- i. criminal sexual conduct 3rd degree (Minn. Stat. §609.344);
- j. criminal sexual conduct 4th degree (Minn. Stat. §609.345);
- k. criminal sexual conduct 5th degree (enhance felony)(Minn. Stat. §609.3451 Subd.3);
- l. drive-by shooting (toward person, occupied building/vehicle)(Minn. Stat. §609.66 Subd.1e(b));
- m. engage/hire a minor in prostitution (under 13)(Minn. Stat. §609.324 Subd.1(a));
- n. escape from felony custody (use of violence)(Minn. Stat. §609.485 Subd. 4(b));
- o. fleeing peace officer (death)(Minn. Stat. §609.487 Subd.4(a));
- p. kidnapping (great bodily harm, unsafe release, victim under 16)(Minn. Stat. §609.25 Subd. 2(2));
- q. malicious punishment of child (great bodily harm)(Minn. Stat. §609.377 Subd. 6);
- r. manslaughter 1st degree (Minn. Stat. §609.20);
- s. manslaughter of unborn child 1st degree (Minn. Stat. §609.2664);
- t. murder 1st degree (Minn. Stat. §609.185);
- u. murder 2nd degree (Minn. Stat. §609.19);
- v. murder 3rd degree (Minn. Stat. §609.195);
- w. murder of unborn child 1st degree (Minn. Stat. §609.2661);
- x. murder of unborn child 2nd degree (Minn. Stat. §609.2662);
- y. murder of unborn child 3rd degree (Minn. Stat. §609.2663);
- z. solicitation, inducement and promotion of prostitution (or profit from); sex trafficking (Minn. Stat. §609.322 Subd. 1);
- aa. solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children (Minn. Stat. §609.352); or
- bb. ineligible felon in possession (Minn. Stat. §624.713 Subd. 1(2)).

(B) there are significant public or personal safety concerns;

(C) there is a likelihood of inter-personal violence;

(D) the arrestee has new pending charges, one or more probable cause holds, or other accompanying warrants;
(E) the arrestee cannot furnish documentation of their true location if they were to be released (e.g. the person lives out of the State of Minnesota or was previously deported while on supervision); or
(F) persons with sex crimes convictions shall be further screened to determine the offense type, nature of the probation violation, treatment status, risk to public safety and ability or inability for DOCCR to contact the person.

3. Persons arrested pursuant to a Hennepin County Meet and Release Warrant shall go through the separate existing process for those warrants.
4. Participants in a Hennepin County treatment court will be reviewed by the applicable multi-disciplinary treatment team and are excluded from the DOCCR Unit Supervisor Triage Team Review.
5. All persons held in the Adult Detention Center with a lawful order to be on EHM or remote electronic alcohol monitoring equipment issued by a Fourth Judicial District judge shall be released to DOCCR staff for equipment set-up prior to leaving the Hennepin County Public Safety Facility.
6. This Order supersedes the related Order issued March 27, 2020, and remains in full force and effect until May 4, 2020, or until further order of this Court, whichever occurs first.

Dated: April 9, 2020

BY THE COURT:



Ivy S. Bernhardson
Chief Judge of District Court