

IN THE SIXTH DISTRICT COURT OF MARYLAND FOR MONTGOMERY COUNTY
Administrative Order
Persons Incarcerated or Imprisoned in Montgomery County

Pursuant to the several Administrative Orders of the Court of Appeals issued by Chief Judge Barbera and in furtherance of the purposes stated therein, the following processes are implemented:

1. The Administrative Judge, with input from justice system stakeholders, will continue to identify at-risk incarcerated persons for potential release, with careful regard for the safety of victims, communities in general, statutory rights of victims, and public health concerns related to COVID-19.
2. Hearings before an assigned judge for warrants or body attachments for technical or minor violations of probation, failure to pay fines/costs, and failure to appear will continue to be scheduled promptly on the next business day.
3. In light of the risks posed by the COVID-19 pandemic, expedited hearings will continue to be set for detained adults pending trial for non-violent criminal acts or technical/minor violations of probation, consistent with applicable rules and statutory requirements.
4. When considering (1) bond/pre-trial release of adult defendants, (2) incarceration of newly arrested defendants, (3) before ordering residential treatment for a defendant participating in problem solving courts (4) sentencing for criminal offenses and in addition to applicable rules and statutory requirements, judges shall consider:
 - a. Whether defendant suffers from a pre-existing condition making defendant more vulnerable to COVID-19;
 - b. Whether defendant displays symptoms of or has tested positive for COVID-19;
 - c. Whether the detention facility is able to address related medical issues;
 - d. Whether a defendant displaying symptoms/tested positive for COVID-19 has, upon release, resources to meet basic food, housing, health and [if applicable] quarantine needs that may be required;
 - e. Whether defendant presents a danger to a victim or to the community;
 - f. Whether there are conditions/combo of conditions to reasonably protect against such danger;
 - g. Unique circumstances specific to a defendant that affect consideration of whether release of that individual during the COVID-19 emergency is in the interests of justice.
5. Rulings, and as necessary hearings for sentence modifications will continue to be completed promptly.

6. When necessary for internal health and/or safety purposes at a detention facility, and consistent with section (c) of Chief Judge Barbera's April 14, 2020 *Second Amended Administrative Order Expanding and Extending Statewide Judiciary Restricted Operations Due to the COVID-19 Emergency* hearings for incarcerated individuals may be conducted via telephonic conference call and without the use of existing video monitors.
7. Motions seeking emergency relief as described above or for other reasons per sections (i)(4), (j)(5), (9), (10), (11), and (12) of Chief Judge Barbera's April 14, 2020 *Second Amended Administrative Order* will continue to be received via locked, lobby drop box in the Rockville District Court, 8:30 am – 4:pm M-F, via US mail, and after hours/weekends via the commissioners offices. The lobby box will continue to be checked hourly.
8. Envelopes should be marked as **EMERGENCY** when feasible to facilitate efficient handling by the clerk's office.

Issued this 15th day of **April, 2020**,

Patricia Mitchell

Administrative Judge, District Six.