



April 14, 2020

Knox County has had a persistent jail overcrowding issue for quite some time. Looking back at historical trends, crime rates haven't gone up, but yet somehow incarceration rates have. This whole COVID crisis really broke for us in Knox County on March 16, 2020. On that day we had a jail population of 1448 people. It was obvious that public health concerns required a reduction in this number.

On that day I had a meeting with the Judges, D.A., and representatives from the Sheriff's Department and started the work of mapping out what the system was going to look like going forward. Initially we got a fair amount of pushback from some of the Judges. One candidly admitted that he did not view the pandemic as a change in circumstances and did not intend to take it into consideration when setting or modifying bonds.

There is a rule that has been read to require a written motion for any bond modification that must be served on the state at least 5 days before the hearing. Given the urgency of the pandemic, we sought to get agreement that this rule would cause unnecessary delay which would result in an increased risk to public health in the jail. When some judges refused to hear our pleas for bond modifications without written motions, I informed the Courts and the DA to get ready for a lot of wasted paper because we would be filing written bond motions on every single case involving an incarcerated individual.

That is exactly what we did. While it created an incredible amount of unnecessary work for our staff, who filed these motions, and the DAs who had to respond in writing, our obligation to the people we represent required no less. I am proud of our staff, who rolled up their sleeves and did the work. Thanks to our defenders, we have been able to reduce our jail population 34%. As of this morning, the number of people in the jail is 956 people.

There is still resistance to further depopulating the jail, and our team is dealing with the emotional toll of all the people they are fighting for that they have not been able to get out yet. But, I continue to point out that as we have reduced our jail population, crime rates are down. I am hopeful that our efforts during this crisis can result in a longer-term mindset shift about our instinct to overuse pretrial detention in Knox County.



It has been a very tough balancing act in attempting to keep the staff at the CLO safe while also being fierce advocates for our clients. We have had to close our doors to the public and run on a rotating skeleton crew here at the office. When we are unsuccessful at securing pretrial release for clients, I fear that many resort to accepting plea offers to get out of custody. They are left with the unconscionable choice of pleading guilty (and, ironically, going home) or sitting in a cell, terrified of being infected by coronavirus.

Our lawyers have successfully fought back against processing clients via video-conferencing and, by convincing some judges of the constitutional problems with depriving clients the effective assistance of counsel during this pandemic, have been able to get a lot more people out of custody.

We have also been able to get an order in place that all people charged with non-violent felonies of a particular class will automatically be booked and released on a ROR bond.

It has not been easy resisting the pressure to abandon due process and deprioritize the health, safety, and constitutional rights of the people we represent. But I am proud of our public defense team. They have resisted mightily and, in doing so, forced the system to be more responsive to the people we serve.

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