

FILED

April 08, 2020

**TAMARA CHARLES
CLERK OF THE COURT**

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
District of St. Croix

In Re:
Emergency Procedures for Release Pursuant to
Precautionary Measures in Response to Corona
Virus Disease (COVID-19)

Case Number: **SX-2020-MC-00030**
Action: **Miscellaneous**

NOTICE of ENTRY
of
Administrative Order

To: Justices of the Supreme Court

Judges & Magistrates of the Superior Court

Judges & Magistrates of the Dist. Court

Hon. Albert Bryan, Jr. Governor of the VI

Hon. Novelle Francis, Pres. 33rd Legislature

Nesha Christian Hendrickson, VIBAR

Hinda Carbon, VIBAR

Regina Petersen, Administrator of Courts

Veronica Handy, Clerk of the Supreme Ct.

Tamara Charles, Clerk of the Superior Ct.

Glenda Lake, Clerk of the District Ct.

Samuel Joseph, Interim Chief Terr. Pub. Def.

Denise George, Attorney General

Judicial Branch of the VI

Please take notice that on April 8, 2020

a(n) Administrative Order

dated April 8, 2020 was/were entered
by the Clerk in the above-titled matter.

Dated: April 08, 2020

Tamara Charles
Clerk of the Court

By:



Tamara Charles
Court Clerk

FILED

April 08, 2020

TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

IN RE:

**EMERGENCY PROCEDURES FOR
RELEASE PURSUANT TO
PRECAUTIONARY MEASURES IN
RESPONSE TO CORONA VIRUS
DISEASE 2019 (COVID-19)**

SX-2020-MC-00030

ADMINISTRATIVE ORDER

WHEREAS, on March 13, 2020, the Supreme Court of the Virgin Islands issued an Administrative Order adopting precautionary measures in response to a novel coronavirus ("COVID-19"), which the United States Centers for Disease Control and Prevention ("CDC") had determined presents a serious public health threat, and for which the President of the United States and the Governor of the Virgin Islands have declared a state of emergency; and

WHEREAS, the Superior Court of the Virgin Islands has continued to closely monitor COVID-19, including updated guidance provided by the CDC, United States Department of Health and Human Services, the Virgin Islands Department of Health, and other public health authorities; and

WHEREAS, on March 15, 2020, the CDC issued updated guidance which, in addition to social distancing and other precautionary measures previously recommended, directs that mass gatherings of 50 people or more not occur for the next eight weeks, for large numbers of people congregating together may contribute to the spread of COVID-19; and

WHEREAS, in a March 17, 2020 Administrative Order, the Supreme Court of the Virgin Islands established additional precautionary measures in response to COVID-19, including cancelling virtually all in-person judicial proceedings, suspending the issuance of new marriage license and in-court marriage ceremonies, and authorizing judicial officers and court personnel to

work from remote locations; and

WHEREAS, on March 19, 2020, the Governor of the Virgin Islands announced the escalation of emergency measures to further contain COVID-19, including order that all non-essential government services be suspended effective March 23, 2020, and directing that only essential government employees report to work; and

WHEREAS, the Supreme Court of the Virgin Islands has issued an Administrative Order suspending all non-essential functions of the Judicial Branch of the Virgin Islands, and enacted additional precautionary measures, in order to minimize the spread of a novel coronavirus (“COVID-19”); and

WHEREAS, the Supreme Court has authorized the Superior Court of the Virgin Islands to supplement those precautionary measures, in consultation with the Chief Justice and the Administrator of Courts; and

WHEREAS, COVID-19 spreads at its quickest in closed environments such as correctional facilities, where inmates and staff are not able to practice social distancing; and

WHEREAS, several United States jurisdictions have enacted measures to reduce the possibility of an outbreak of COVID-19 in a correctional facility, including reducing the existing prison population and issuing appearance tickets in lieu of arrest; and

WHEREAS, under Virgin Islands law, a peace officer may issue an appearance ticket directing a designated person to appear in the Superior Court at a future date in connection with the alleged commission of a misdemeanor offense, *see* 5 V.I.C. § 3570 *et seq.*; and

WHEREAS, under Virgin Islands law, a peace officer may arrest a person for the alleged commission of either a felony or misdemeanor, *see* 5 V.I.C. § 3761 *et seq.*, provided that such

arrest is effectuated “in the manner authorized by law” and “[t]he defendant must not be subjected to any more restraint than is necessary for his arrest and detention,” 5 V.I.C. § 3565(a); and

WHEREAS, since COVID-19 is believed to spread mainly between people who are in close contact with one another, the act of restraining a defendant who is being placed under arrest poses a high risk of transmitting COVID-19 between the peace officer and the defendant, and detention of the defendant increases the likelihood that COVID-19 may be introduced into the correctional facility and rapidly infect inmates and staff; and

WHEREAS, orders of the Superior Court and the Supreme Court have the force of law, and the Supreme Court has been expressly vested with the authority to promulgate procedural rules, including the rules of criminal procedure, and has delegated such authority to the Superior Court with respect to the enactment of precautionary measures to minimize the spread of COVID-19; and

WHEREAS, in light of the suspension of all non-essential services, it is necessary to establish interim procedures and extend certain filing and regulatory deadlines in matters pending before the Superior Court of the Virgin Islands; and

WHEREAS, the Court is desirous of further preventing the spread of COVID-19, through the reduction of misdemeanor arrest and pretrial detainees; and

WHEREAS, 5 V.I.C. § 3570 *et seq.* allows for an appearance ticket to be issued for misdemeanor offenses committed or attempted to be committed in the presence of a peace officer instead of an arrest; and

WHEREAS, this procedure is developed to reduce detention when possible over concerns of the Bureau of Corrections regarding increasing the prison population and the potential for introducing disease during the COVID-19 outbreak; and

WHEAREAS, the intent of this procedure to reduce the number of arrest for misdemeanor arrests and to reduce on a case by case bases, the number of nonviolent defendants detained/housed on a pretrial basis in the Virgin Islands;

NOW, THEREFORE, IT IS HEREBY ORDERED that effective 12:00 A.M. on April 9, 2020, peace officers are **HEREBY AUTHORIZED**, at their discretion, to effectuate an arrest for misdemeanors and minor felonies through issuance of an appearance ticket rather than by physical restraint and detention. All defendants issued an appearance ticket in such manner shall be deemed to have been released on his or her own recognizance. It is further

ORDERED that, because an appearance ticket need not have a particular form so long as it directs the defendant to appear in the Superior Court at a future date in connection with the alleged commission of the offense, *see* 5 V.I.C. § 3570, peace officers **MAY UTILIZE** the universal citations previously circulated by this Court to issue appearance tickets under this Order. It is further

ORDERED that the universal citation, more commonly referred to as the marijuana citation, which has been previously circulated by the Court, shall be utilized as the appearance ticket. It is further

ORDERED that the officer shall indicate the statute the defendant has violated by legibly writing the offense defined by the VI Code and the related statute. It is further

ORDERED that the officer shall capture all the personal information for the defendant to include date of birth, address, contact phone number and any pertinent personal identifiers. It is further

ORDERED that the officer shall provide a court date to the defendant using the appearance ticket schedule provided to the VIPD, by the Superior Court. It is further

ORDERED that the officer shall submit the 1A report with each appearance ticket to the Attorney General's office for submission to the Court. It is further

ORDERED that the Attorney General and the Territorial Public Defenders Office shall confer and when possible stipulate to the release of a person arrested or held in pretrial. It is further

ORDERED that in cases of domestic violence, the arresting officer shall contact a judicial officer concerning the release, prior to that person being taken to the Bureau of Corrections

DONE AND SO ORDERED this 8 day of APRIL, 2020.



HAROLD W.L. WILLOCKS

Presiding Judge of the Superior Court of the Virgin Islands

ATTEST:

**Tamara Charles,
Clerk of the Court**

By: 

Court Clerk Supervisor

Dated: 4/8/2020

Copies to:

Justices of the Supreme Court
Judges & Magistrate Judges of the Superior Court
Judges & Magistrate Judges of the District Court
The Honorable Albert Bryan, Governor of the Virgin Islands
The Honorable Novelle Francis, President, 33rd Legislature
Nesha R. Christian-Hendrickson, Esq., President, V.I. Bar Association
Hinda Carbon, Executive Director, VI. Bar Association
Regina D. Petersen, Administrator of Courts
Veronica J. Handy, Esq., Clerk of Supreme Court
Tamara Charles, Clerk of the Superior Court
Glenda L. Lake, Esq., Clerk of the District Court
Samuel L. Joseph, Esq., Interim Chief Territorial Public Defender
Denise N. George, Esq., Attorney General
Judicial Branch