

COUNTY OF SANTA CLARA

Office of the Sheriff

55 West Younger Avenue
San Jose, California 95110-1721
(408) 808-4605



Laurie Smith
Sheriff

MEMORANDUM

TO: All Staff

FROM: COVID-19 Incident Command Center

SUBJECT: ICC Directive 20-08 (cite and release update) ****REVISED****

DATE: 04/06/2020

On 4-1-20, Santa Clara County Superior Court Presiding Judge Deborah Ryan signed the attached order, "Authorizing Citation and Release of Certain Individuals due to the Covid-19 Pandemic." This order is an emergency amendment to the 2020 Bail Schedule with the purpose of maximizing compliance with the order from our Public Health Officer and state and federal directives. Please read the attached Order and accompanying Press Release for the exact verbiage, which is also listed below.

The Court has authorized the SCC Sheriff's Office, SCC Department of Corrections, and the SCC Probation Department to issue citations in the field or after booking under the following circumstances:

- Individuals arrested upon warrants for failing to appear in court for pending misdemeanor offenses, excluding domestic violence related offenses as defined in Penal Code section 136.2, Penal Code section 13700, and Family Code section 6211;
- Individuals arrested upon warrants for failing to appear in court for diversion-related matters, deferred entry of judgement, or post-conviction matters, excluding post-conviction matters for offenses listed in Penal Code section 1270.1;
- Individuals arrested for felony offenses with an aggregate scheduled bail amount of \$25,000 or less, excluding offenses listed in Penal Code section 1270.1 or Vehicle Code section 23153 (driving under the influence causing injury).

When issuing a citation for the above please give a court date eight weeks from the arrest date. Any individuals on formal probation shall also be ordered to contact their probation officer by telephone within two business days of the arrest.

The ICC was notified the bullet points listed in the original directive were confusing to some. In order to assist our staff with any questions regarding the revised bullet points listed above please contact Sheriff's Office Records Division at (408) 808-4700 for clarification. This emergency Court Order authorizes additional cite and release options; however, discretion should be utilized in making cite and release decisions.

NOTE: This Emergency Order will remain in effect until May 3, 2020 unless otherwise extended.

Superior Court of California County of Santa Clara

CONTACT
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FOR IMMEDIATE RELEASE: April 1, 2020

Santa Clara Superior Court Authorizes Citation and Release of Certain Individuals Due to COVID-19

***Presiding Judge Deborah A. Ryan orders an emergency amendment
to the 2020 Santa Clara County Bail Schedule***

SAN JOSÉ, California (April 1, 2020): In order to maximize compliance with public health and safety directives related to the current COVID-19 pandemic, the Court authorizes local law enforcement, including but not limited to, the Santa Clara County Sheriff's Office, the Santa Clara County Probation Department, and the Santa Clara County Department of Correction, to issue citations in the field or after booking, or to issue written promises to appear for individuals under the following circumstances:

- Individuals arrested upon warrants for failing to appear in court for pending misdemeanor offenses, excluding domestic violence related offenses as defined in Penal Code section 136.2, Penal Code section 13700, and Family Code section 6211;
- Individuals arrested upon warrants for failing to appear in court for diversion-related matters, deferred entry of judgement, or post-conviction matters, excluding post-conviction matters for offenses listed in Penal Code section 1270.1;
- Individuals arrested for felony offenses with an aggregate scheduled bail amount of \$25,000 or less, excluding offenses listed in Penal Code section 1270.1 or Vehicle Code section 23153 (driving under the influence causing injury).

Such individuals may be cited and given a court date eight weeks from the arrest date upon execution of a written promise to appear. Individuals on formal probation shall also be ordered to contact their probation officer by telephone within two business days of the arrest date.

The intent of this order is to maximize the protection of health and safety for individuals working within and interacting with local court and custodial systems while balancing potential public safety risks attendant to own recognizance release in light of the COVID-19 pandemic, the proclamations of states of emergency by Governor Gavin Newsom and President Donald Trump; the Santa Clara County Public Health Officer's March 31, 2020 shelter-in-place order; Executive Order N-33-20, issued by Governor Newsom on March 19, 2020; the Advisory on COVID-19 and court operations issued by Chief Justice Tani G. Cantil-Sakauye on March 20, 2020; the March 22, 2020 Major Disaster Declaration for California by President Trump; and the Statewide Order issued by Chief Justice Cantil-Sakauye on March 23, 2020.

This order will remain in effect until May 3, 2020. The court will continue to monitor the COVID-19 pandemic, and will make additional orders as necessary.

Please visit the [Superior Court's Covid-19 response website](#) for additional Court information.

Parties, attorneys, and jurors with questions should email covid@scscourt.org or call 408-882-2700 (wait for the introductory message to complete, press 8, and then 0) and provide the following information: name, case number or juror number, current mailing address, telephone number, date, time and location of appearance. Prospective jurors who have received a notice to report on any date through and including May 1, 2020, will be excused from service and must not report to Court.

FILED
APR 01 2020

Clerk of the Court
Superior Court of CA County of Santa Clara
BY David K. Walker DEPUTY

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

**In Re EMERGENCY AMENDMENT TO
THE 2020 SANTA CLARA COUNTY
BAIL SCHEDULE**

**ORDER AUTHORIZING CITATION
AND RELEASE OF CERTAIN
INDIVIDUALS DUE TO COVID-19
PANDEMIC; PENAL CODE § 1270**

GOOD CAUSE APPEARING, in order to maximize compliance with public health and safety directives related to the current COVID-19 pandemic, the Court authorizes local law enforcement, including but not limited to, the Santa Clara County Sheriff's Office, the Santa Clara County Probation Department, and the Santa Clara County Department of Correction, to issue citations in the field or after booking, or to issue written promises to appear for individuals under the following circumstances:

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