

**ORDER BY THE DIRECTOR OF EMERGENCY SERVICES
AUTHORIZING THE SHERIFF TO IMPLEMENT A HOME DETENTION PROGRAM
UNDER PENAL CODE SECTION 1203.017 CONSISTENT WITH PUBLIC SAFETY**

WHEREAS, Government Code section 8630 and Santa Clara County Ordinance Code Section A8-9 authorize the Director of Emergency Services to proclaim a local emergency when the County of Santa Clara (“County”) is threatened by conditions of disaster or extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County, and the Board of Supervisors is not in session; and Health and Safety Code section 101080 authorizes the County Health Officer to declare a local health emergency in the County, or any part thereof, whenever the Health Officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent; and

WHEREAS, the Director of Emergency Services proclaimed such a local emergency and the Health Officer proclaimed such a local health emergency on February 3, 2020, based on conditions of extreme peril and the imminent and proximate threat to public health relating to Coronavirus Disease 2019 (COVID-19), and the Board of Supervisors ratified the local emergency and local health emergency on February 10, 2020; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom also issued a Proclamation of a State of Emergency relating to COVID-19; and

WHEREAS, Penal Code section 1203.017(a) states that, “upon determination by the correctional administrator that conditions in a jail facility warrant the necessity of releasing sentenced misdemeanor inmates prior to them serving the full amount of a given sentence due to lack of jail space, the board of supervisors of any county may authorize the correctional administrator to offer a program under which inmates committed to a county jail . . . may be required to participate in an involuntary home detention program, which shall include electronic monitoring, during their sentence in lieu of confinement in the county jail”; and

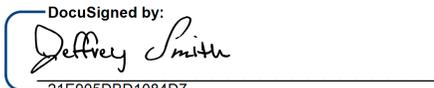
WHEREAS, under Santa Clara County Ordinance Code Section A8-15, “[t]he Board, to provide prompt response to emergency situations following the proclamation of a local emergency . . . or the proclamation of a state of emergency . . . specifically delegates to the Director of Emergency Services the authority to promulgate orders and regulations to provide for the protection of life, property, and the environment, where necessary to preserve the public order and safety,” provided that such orders and regulations are “ratified at the next regular meeting of the Board”; and

WHEREAS, the Director of Emergency Services finds and hereby declares that the County's in-custody jail population and the staff and volunteers who serve them are at great and imminent risk of COVID-19 exposure due to the confined living and working conditions in the jails, challenges associated with isolation and containment in that environment, and difficulty of preventing introduction of infection due to the large numbers of people moving in and out of the facilities each day; and

WHEREAS, the Sheriff has determined that the protection of life and public health within the County's jail facilities warrants the necessity of releasing certain sentenced misdemeanor inmates, consistent with public safety, prior to the conclusion of their sentences due to the need to increase available jail space because a reduction in the jail population would greatly reduce COVID-19 exposure risks to inmates, staff, and volunteers by allowing those who remain in custody to be housed with more physical space separating them;

NOW THEREFORE, the Director of Emergency Services hereby authorizes the Sheriff to immediately implement a program, in collaboration with other agencies of the County, under which sentenced misdemeanor inmates committed to the County's jail facilities may be required to participate in an involuntary home detention program, which shall include electronic monitoring, during their sentence in lieu of confinement in the County jails. The program shall be consistent with all requirement of Penal Code section 1203.017, and subject to reasonable rules and regulations the Director of Emergency Services may prescribe for approval and ratification by the Board of Supervisors, and shall be operational for as long as the local emergency and/or local health emergency shall be in effect.

Date: 3/12/2020

By: 
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Jeffrey V. Smith
County Executive/Director of
Emergency Services

APPROVED AS TO FORM AND LEGALITY:



Kavita Narayan
Lead Deputy County Counsel