



County of Santa Cruz

HEALTH SERVICES AGENCY

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Public Health Division

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SANTA CRUZ AUTHORIZING THE SANTA CRUZ COUNTY SHERIFF TO RELEASE CERTAIN PERSONS FROM SANTA CRUZ COUNTY JAIL FACILITIES

DATE OF ORDER: MARCH 20, 2020

The Health Officer of the County of Santa Cruz (the "Health Officer") makes the following findings and Order:

WHEREAS, the severe acute respiratory illness caused by a novel coronavirus ("COVID-19") spreads easily from person to person and may result in serious illness or death, and it is essential that the spread of the virus be slowed to safeguard the public and protect healthcare resources considering the influx of new patients; and

WHEREAS, the number of reported cases of COVID-19 continues to escalate dramatically over a short period of time. Actions are being taken to protect public health and limit the spread of COVID-19 in the United States; and

WHEREAS, the CDC has issued guidance to local and State health departments, including the County of Santa Cruz Health Services Agency, Public Health Division, concerning risk assessment and public health management of persons with potential exposure to COVID-19. These guidelines require the Health Services Agency to make extraordinary efforts to monitor ongoing communicable disease threats and prepare for management of individuals who may have been exposed to COVID-19; and

WHEREAS, the Health Officer strongly cautions that persons aged 60 years and older and persons of any age with certain underlying chronic health conditions are at increased risk should they contract COVID-19; and

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it

is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County; and

WHEREAS, this Order is issued in light of the existence of 11 cases of COVID-19 in the County of Santa Cruz, as well as at least 258 cases of confirmed cases and at least three deaths in adjacent Bay Area counties as of 5:00 p.m. on March 15, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Health Officer will re-evaluate it as further data becomes available; and

WHEREAS, this Order also is issued in accordance with, and incorporates by reference, the March 4, 2020, Proclamation of a State of Emergency issued by Governor Gavin Newsom; the March 4, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer; the March 10, 2020 Resolution of the Board of Supervisors of the County of Santa Cruz Ratifying the Declaration of a Local Health Emergency; the March 10, 2020 Resolution of the Board of Supervisors of the County of Santa Cruz Proclaiming a Local Emergency; and the March 16, 2020 Order Of The Health Officer Of The County Of Santa Cruz Directing All Individuals Living In The County To Shelter At Their Place Of Residence Except That They May Leave To Provide Or Receive Certain Essential Services Or Engage In Certain Essential Activities And Work For Essential Businesses And Governmental Services; Exempting Individuals Experiencing Homelessness From The Shelter In Place Order But Urging Them To Find Shelter And Government Agencies To Provide It; Directing All Businesses And Governmental Agencies To Cease Nonessential Operations At Physical Locations In The County; Prohibiting All Non-Essential Gatherings Of Any Number Of Individuals; And Ordering Cessation Of All Non-Essential Travel; and

WHEREAS, the Health Officer believes an emergency endangering the lives of inmates housed in the Santa Cruz County Main Jail, the Blane Street facility and the Roundtree jail facility (collectively, the "County Jail Facilities") and others has occurred or is imminent within the meaning of Government Code § 8658, et seq.; and

WHEREAS, the Health Officer believes that there exists an imminent risk of COVID-19 exposure in the County Jail Facilities due to the number of housed persons combined with confined conditions, challenges associated with isolation and containment, and the difficulty in preventing introduction and spread of infection in that environment; and

WHEREAS, the Health Officer believes that it is necessary to permit and authorize the Santa Cruz County Sheriff to exercise discretion to release certain pre-trial detainees and/or convicted persons housed in the County Jail Facilities to reduce the population of housed persons in those location(s) in order to reduce the likelihood of initial exposure, secondary transmission and impacts of COVID-19, improve prevention efforts, prepare for a containment response, and reduce safety, security and healthcare demands created by the volume of housed persons in those locations; and

WHEREAS, this Order is necessary to reduce the spread of COVID-19, thereby preserving critical and limited healthcare capacity in the County; and

WHEREAS, this Order is issued for the purpose of preventing the spread of a contagious, infectious, or communicable disease within the meaning of Government Code §§ 26602, 41601 and Health and Safety Code § 101029.

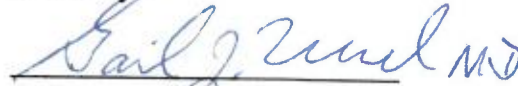
NOW THEREFORE, UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, and 120175.5(b), THE HEALTH OFFICER OF THE COUNTY OF SANTA CRUZ ORDERS:

1. Effective as of 12:01 a.m. on Friday, March 20, 2020, and continuing until further Order of the Health Officer:
 - a. The Santa Cruz County Sheriff is empowered and authorized to exercise his discretion to release certain pre-trial detainees and/or convicted persons housed in Water Street Jail (i.e. Main Jail), Blaine Street Women's Facility and the Rountree Lane Medium Security Facility (collectively referred to as the "County Jail Facilities") to limit and reduce the population of housed persons in the County Jail Facilities in order to reduce the likelihood of initial exposure, secondary transmission and impacts of COVID-19; and
 - b. The Health Officer will continue to assess the quickly evolving situation and may, at any time or from time to time, modify or extend this Order, or issue additional orders related to COVID-19.
2. If any subsection, sentence, clause, phrase or word of this Order or any application of it to any person, County Jail Facility, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

Date: 3-19-20


Time: 4:45 pm

Issued By:



Gail Newel, MD
Health Officer, County of Santa Cruz
Health Services Agency, Public Health Division

Approved as to Form:



Office of the County Counsel

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FILED
MAR 20 2020
ALEX CALVO CLERK
BY *[Signature]*
SANTA CRUZ COUNTY

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ**

**STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ**

**ORDER ON APPLICATION TO RELEASE
CERTAIN INMATES HOUSED IN THE
SANTA CRUZ COUNTY JAILS IN
RESPONSE TO THE COVID-19
PANDEMIC**

1 **IT IS HEREBY ORDERED AND DECREED AS FOLLOWS:**

2 Effective Friday, March 20, 2020 at 10:00 a.m., the Santa Cruz County Sheriff is
3 empowered and authorized to determine which, if any, pre-trial detainees and/or convicted persons
4 housed in the County Jail Facilities may be released from the County Jail Facilities based on, but not
5 limited to, consideration of any of the following:

6 (1) Release of persons housed in the County Jail Facilities as a result of being accused of,
7 charged with, or having been convicted of nonviolent and non-sexual offense(s) as determined by
8 the Santa Cruz County Sheriff in his discretion;

9 (2) Release of persons housed in the County Jail Facilities as a result of being accused
10 of, charged with, or having been convicted of lower-level misdemeanor(s) as determined by the
11 Santa Cruz County Sheriff in his discretion;

12 (3) Release of persons housed in the County Jail Facilities as a result of being accused of,
13 charged with, or having been convicted of crime(s) that reflect a reduced risk of flight and/or a
14 reduced risk of harm to the community if released pursuant to this order, as determined by the Santa
15 Cruz County Sheriff in his discretion; and

16 (4) Release of incarcerated persons who are over 60, those with cardiovascular disease,
17 diabetes, cancer, HIV, heart disease, or chronic lung diseases like COPD, as well those with
18 autoimmune diseases such as rheumatoid arthritis, lupus, multiple sclerosis or those with severely
19 weakened immune systems, as determined by the Santa Cruz County Sheriff in his discretion.

20 However, the release of inmates and/or detainees contemplated herein is **not intended to**
21 include the following:

22 (1) Persons housed in the County Jail Facilities as a result of being accused of, charged
23 with, or having been convicted of a "serious felony" as defined by Penal Code § 1192.7(c); and

24 (2) Persons housed in the County Jail Facilities as a result of being accused of, charged
25 with, or having been convicted of weapons offense(s) or persons who have been previously
26 convicted of one or more serious or violent felony offenses within the meaning of Penal Code §
27 667(b) to (i).

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1 In addition, and prior to release, the Sheriff will coordinate and vet all person(s) proposed to
2 be released pursuant to this order with the Santa Cruz County District Attorney's Office ~~and~~

3 that are currently serving an active felony sentence,
4 and any persons who are pending trial or serving a
5 sentence on a Third Offense Driving Under the Influence
6 misdemeanor committed while on probation for a
7 prior driving under the influence conviction.

8 Dated: 3/20/2020

Joe B. [Signature]
9 Presiding Judge of the Superior Court

10 The Court authorizes the immediate release of
11 the persons identified on the two page list
12 attached hereto.

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14 J.P.B. 3/20/2020
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